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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.10514 of 2023

N.Sekar

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Anti-Land Grabbing Special Cell (DCB)
Trichy
(Crime No.21 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.R.Kannan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.21 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 294(b), 420, 467, 468, 471 and 506(i) IPC in Crime No.21 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband namely Kannan has obtained various loans from Banks and private individuals during his life time. Without settling the above stated loan amounts, he died on 25.06.2018. In order to settle the said loan amount, the defacto complainant approached the petitioner for disposing the properties situated in Vyampatti Village to one Krishnamurthy for a sum of Rs.1,40,00,000/-. By accepting the words of the petitioner, the said properties was fraudulently executed in favour of A2 and A3. Eventhough the properties was sold in favour of A2 and A3 on 25.09.2019 and 27.01.2020, the defacto complainant, her son, daughter and mother-in-law have not gone to Sub Registrar Office, Manapparai, for execution of the above sale deed on 25.09.2019 and 27.01.2020.



Without the presence of the defacto complainant, her son, daughter and mother-in-law, the petitioner has fraudulently executed sale deeds bearing Doc Nos.372/2020, 483/2020 and 482/2020 in favour of A2 and A3. When the same was questioned by the defacto complainant, the petitioner abused her in filthy language and also threatened her. Eventhough the alleged sale deeds were executed on 25.09.2019, it was brought to the knowledge of the defacto complainant only on 08.08.2022. Hence, the case.

3.Heard both sides and perused the materials available in the record.

4.It is seen that all the allegations are civil in nature, that apart, the defacto complainant lodged complaint and the same was not considered, therefore, she filed a petition for direction under Section 156(3) of Cr.P.C., and on such direction, FIR has been registered. Therefore, the custodial interrogation of the petitioner do not required. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate (Special Court to try Land Grabbing Cases), Additional Mahila Court, Trichy on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE
(SPECIAL COURT TO TRY LAND GRABBING CASES),
ADDITIONAL MAHILA COURT, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL
(DISTRICT CRIME BRANCH) TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.RR.KANNAN, Advocate (SR-8822[I] dated 15/06/2023)

ORDER
IN
CRL OP(MD) No.10514 of 2023
Date :15/06/2023

SS/VR/16/06/2023/3P/6C