



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.10622 of 2023

N.Krishna Kumar

... Petitioner/5th Accused

Vs

The State represented by its
The Inspector of Police,
Anti Land Grabbing Special Cell (DCB),
Sivagangai District,
Sivagangai.

... Respondent/Complainant

For Petitioner : Mr.T.LENINKUMAR, 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.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471, 120(b) and 420 IPC in Crime No.8 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that at the age of 16, the complainant was adopted by one Ramanathan @ Kasi Chettiyar. Thereafter, the complainant was brought up by Ramanathan @ Kasi Chettiyar and his wife Meenakshi. The complainant is the only legal heir of the above two. In the year 1928, the complainant's father purchased property measuring to an extent of 1.15 acres comprised in S.No.282/7A, 7B, 7C situated at Muthur village Sivagangai District and he was in absolute possession and enjoyment of the property. On 12.11.1963, the said Ramanathan was died and on 28.03.1975, the said Meenakshi also passed away. After their demise, the complainant inherited their property. On 15.01.2023, when the complainant visited the property, he saw stones were erected in the boundaries of the property. On enquiry, he came to know that the Aadhar card and other ID cards of the complainant's father were fabricated and



on the strength of the same, the properties were conveyed to Senthilkumar on 07.03.2022. The said Senthilkumar, conveyed the properties to the petitioner herein on 18.08.2022. Hence, the case.

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

4. It is seen that there are totally five accused in this case, in which, the petitioner is arrayed as A5. The first accused in this case impersonated as complainant's father and executed sale deed on 07.03.2022, in favour of A2. A2, in turn, executed sale deed on 18.08.2022 in favour of the petitioner herein. The petitioner herein is a bonofide purchaser. Therefore, custodial interrogation of the petitioner does not require in this case.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 II, Sivagangai, 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/-

15/06/2023

/ TRUE COPY /

WEB COPY

/06/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL (DCB),
SIVAGANGAI DISTRICT,
SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.T.LENINKUMAR Advocate SR.No.8953

ORDER

IN

CRL OP(MD) No.10622 of 2023
Date :15/06/2023

SA/SSS/SAR. /23.06.2023/3P/6C