



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.06.2023

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PRESENT

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

CRL OP(MD)No.11667 of 2023

1.Jeyalakshmi

2.M.Karauppan Chetty

(Wrongly mentioned as Muthukaruppan)

... Petitioners/Accused Nos.10&11

Vs

State through

The Sub-Inspector of Police,

Anti-Land Grabbing Cell/DCB,

Sivagangai District.

(Crime No.9 of 2023)

... Respondent/Complainant

For Petitioners : Mr.J.Anandkumar, Advocate

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor

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

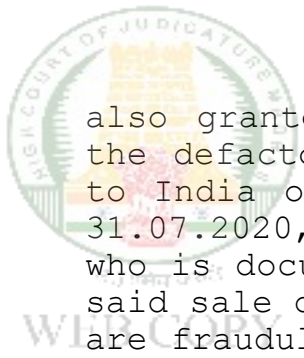
PRAYER :-

For Anticipatory Bail in Crime No.9 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A10 & A11, who apprehend 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.9 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was purchased the lands in S. Nos.260/2 and 279 situated at Kadambavanam Village, Karaikudi Taluk on 21.10.1959. In both the survey fields, part of the lands was acquired for laying Highways. Hence, the said survey fields are sub-divided into 260/2A and 279/2 respectively and the remaining extent is 2.2708 ares and patta



also granted in favour of the defacto complainant. On 14), the defacto complainant and his wife went to Malaysia and returned to India on 22.09.2022. In the meantime, A1 sold the said land on 31.07.2020, by impersonating the defacto complainant's name to A2, who is document writer. A3 and A4 are fraudulently attested in the said sale deed. In turn, A2 sold the said property to A5. A6 and A7 are fraudulently attested the sale deed executed by A2 in favour of A5. A8 and A9 are the Sub-Registrars during the relevant point of time. Hence the case.

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

4. It is seen that there are totally 11 accused in this case, in which, the petitioners herein are arrayed as A10 and A11. According to the case of the prosecution, A1 impersonated the defacto complainant and executed sale deed in favour of A2 and A3. All the accused persons conspired together and impersonated the defacto complainant and sale deed was also created in favour of A2 and A3.

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

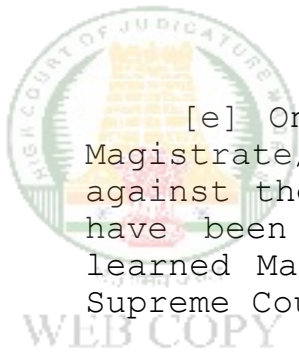
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

30/06/2023

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/07/2023

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.

3.THE SUB-INSPECTOR OF POLICE,
ANTI-LAND GRABBING CELL/DCB,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-10000[I] dated 30/06/2023)

ORDER

IN

CRL OP(MD) No.11667 of 2023

Date :30/06/2023

RK/DD(14/07/2023) 3P/6C