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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.13026 and 13113 of 2023

Sakthivel,

... Petitioner/ Accused No.4
in CrI.O.P(MD).No.13026 of 2023

K.Mohamed Anniff,

... Petitioner/ Accused No.2
in CrI.O.P(MD).No.13113 of 2023

Vs

State Rep.by
The Inspector of Police,
District Crime Branch (Algsc),
Dindigul District.
(Crime No.14 of 2023).

... Respondent/ Complainant
in both CrI.O.Ps

In CrI.O.P(MD).No.13026 of 2023

For Petitioner : M/s.Sarvaganprabhu.S, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

For Intervener : MR.S.BALAJI, Advocate

In CrI.O.P(MD).No.13113 of 2023

For Petitioner :MR. Murali R, Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

For Intervener : MR.S.BALAJI, Advocate



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

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COMMON PRAYER :-

For Anticipatory Bail in Crime No.14 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471, 120(B) of IPC, in Crime No.14 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused sold the property in excess of the property purchased by him with the help of the other accused. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the second accused/ petitioner in CrI.O.P(MD).No.13113 of 2023 is the son of the first accused and he has signed the document. He further submitted that at the time of executing the sale deed, the second accused is aged about 23 years and he simply followed the instruction of the father, who is the first accused. He further submitted that the second petitioner is not involved in the above said offence of cheating and there is no intention on his part to cheat the defacto complainant.



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4. The learned counsel for the petitioners further submitted that the fourth accused/petitioner in CrI.O.P(MD).No.13026 of 2023, is the subsequent purchaser of the property. He further submitted that this Court has granted anticipatory bail to the first accused in CrI.O.P(MD).No.11940 of 2023.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted that this Court has granted anticipatory bail to the first accused in CrI.O.P(MD).No.11940 of 2023 and the first accused has given an undertaking that he will retransfer the property to the defacto complainant and thereafter, there was no compliance on the side of the first accused, on that ground he made a serious objection to grant anticipatory bail to the petitioners.

6. Considering the facts and the circumstances of this case, considering the limited role that has been played by the petitioners and the grant of anticipatory bail to the first accused, this Court is inclined to grant anticipatory bail to the petitioners, however, with stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Special Judicial Magistrate Special Court for Exclusive Trail of Land Grabbing Cases, Madurai, and on their executing 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 learned Magistrate concerned; and the



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first petitioner/A4 shall appear before the respondent police on every Saturday at 10.30 am until further orders. The second petitioner/A2 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
26/07/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO

1. THE SPECIAL JUDICIAL MAGISTRATE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF LAND GRABBING CASES,
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



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3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (ALGSC),
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-11379[I] dated 27/07/2023)

+1 CC to M/s.R.MURALI, Advocate (SR-11327[I] dated 27/07/2023)

ORDER
IN
CRL OP(MD). Nos.13026 and 13113 of 2023
Date :26/07/2023

PKP/MMS/SAR- /10.08.2023/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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