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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

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

CRL OP(MD). No.15651 of 2022

1. Raja,

2. Karuppasamy,

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by

The Inspector of Police,

Anti Land Grabbing Special Wing,

Tirunelveli City,

Cr. No. 10 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Selvan T, 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.10 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468 and 471 of I.P.C., in Crime No.10 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the house in T.S.No.3140/32 belongs to the de-facto complainant's father. The de-facto complainant's father had executed a power of attorney for the said house in favour of the first petitioner vide D.No.2185 of 2008. Subsequently, the de-facto complainant's father was died on 04.01.2009. Thereafter, the first petitioner has executed a sale deed in favour of the second accused vide D.No.35 of 2009. Hence,



3. Heard. Perused the materials available on record . 19
the First Information Report.

4. It is seen that the de-facto complainant's father had executed a power of attorney in respect of the subject property in favour of the first petitioner herein and the same was registered vide D.No.2185 of 2008. On the very same day, he had also executed an agreement for sale in favour of the second petitioner through power of attorney. On perusal of agreement for sale it shows that the father of the de-facto complainant had received the entire sale consideration in respect of the subject property, but even before the registration of sale deed in favour of the second petitioner, the de-facto complainant's father died. Now his son lodged a complaint under Section 156(3) of Cr.P.C. before the learned Magistrate and as per the direction of the learned Magistrate, the respondent police registered the present complaint as against the accused persons. The complaint was lodged after a period of 11 years and that apart from, the father of de-facto complainant had received the entire sale consideration. Therefore, the custodial interrogation of the petitioners does not require in this case.

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

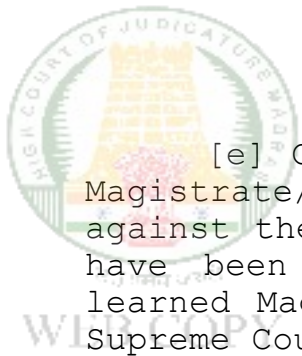
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Special Court for Anti Land Grabbing, Tirunelveli, on condition 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR ANTI LAND GRABBING ,
TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL WING,
TIRUNELVELI CITY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15651 of 2022
Date :07/03/2023

PKP/ /SAR-3/15.03.2023/ **3P/5C**