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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22425 of 2022

Thamarai Selvi

... Petitioner/Accused No.1

Vs

The state rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram,
Ramanathapuram District.
Cr.No.12/2022.

... Respondent/Complainant

For Petitioner : M/s.Sethuraman R,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

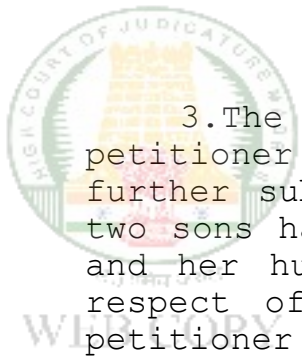
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.12/2022 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 465, 468, 471 and 420 IPC r/w 120(B) IPC in Crime No.12 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's grandfather Nambu Pitchai and his brother Nambu Rajan had executed a power of attorney in favour of the petitioner. On 28.12.2010, the said Nambu Pitchai has passed away. Suppressing the same, on 23.06.2016, the petitioner, with the help of one Muniyasamy, who is the brother of the defacto complainant's father, executed a sale deed in favour of A2, namely, Anbuthasan by using bogus life certificate in the name of the de-facto complainant's grandfather, Nambu Pitchai. Hence, the complaint.



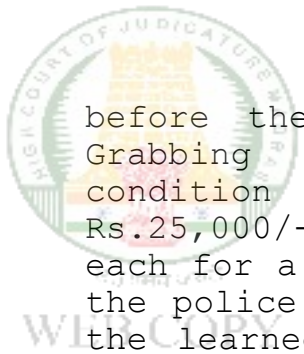
3.The learned counsel for the petitioner would submit the petitioner is arrayed as first accused in this case. He would further submit that the de-facto complainant's grandfather and his two sons have after receiving due consideration from the petitioner and her husband, have executed a registered power of attorney in respect of the property and thereafter, based on the same, the petitioner has sold the part of the property to the second accused Anbuthasan. He would further submit that the said Anbuthasan and the husband of the petitioner Aathimoolam have already been granted anticipatory bail by this Court in Crl.O.P.(MD)Nos.18736 and 20516 of 2022, dated 28.10.2022 and 28.11.2022. He would further submit that petitioner is an innocent house wife and that she has acted based on the instructions of her husband. He would further submit that this is the second application for anticipatory bail and the earlier application was dismissed on the ground that the investigation is pending. He would further submit that the petitioner, without prejudice to her rights, has filed an affidavit before this Court undertaking that she will not encumber or sell the remaining 23 cents, which is now in her custody. He would also submit that the petitioner to show her *bona fides*, is ready to deposit original title deeds of property worth more than Rs.25,00,000/- either belonging to herself, her family members or friends to the credit of Crime No.12 of 2022 before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, Ramanathapuram District and he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner is arrayed as A1 in this case. The de-facto complainant's grandfather had executed power of attorney in favour of the petitioner during the year 2010 and thereafter, the de-facto complainant's grandfather passed away on 28.12.2010. Subsequently, the petitioner has created a fabricated life certificate, based on that, she has sold the property to one Anbudasan/A2 and he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration the facts and the submission and that the case of the prosecution is also borne out by records and that the petitioner, to her *bona fides*, is ready to deposit original title deeds of property worth more than Rs.25,00,000/- either belonging to herself, her family members or friends to the credit of Crime No.12 of 2022 before the concerned Magistrate, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 14 days from the date on which the order copy made ready,



before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 deposit the original title deeds of property worth more than Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) either belonging to herself, her family members or her friends to the credit of Crime No.12 of 2022 learned Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, Ramanathapuram District at the time of furnishing sureties.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

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

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

[f] 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].

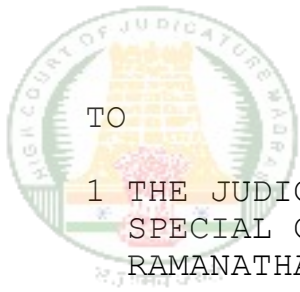
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. The affidavit of undertaking filed by the petitioner shall form part of the Court records.

sd/-
19/01/2023

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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.SETHURAMAN R Advocate SR.No.829.

ORDER
IN
CRL OP(MD) No.22425 of 2022
Date :19/01/2023

SJI

MK/MMS/SAR II (27.01.2023) 4P 6C