



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.22631 of 2022

1. Nathiya Sri ... 1st Petitioner/Accused No-1
2. Latha Mangeshkar ... 2nd Petitioner/Accused No-2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.30/2022).

... Respondent/Complainant

For Petitioners : M/s.Muthamizh Selvakumar.P,
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 Cr No.30/2022 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, 468, 471, 420 and 120(B) of I.P.C., in Crime No.30 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The de-facto complainant is none other than the husband of the first petitioner. There was a family dispute between them and divorce petition also filed and obtained a decree of divorce. The first petitioner has also filed a maintenance petition in M.C.No.295 of 2019 and the same was allowed and a sum of Rs.30,000/- was awarded in favour of her. While being so, the first petitioner sold out the property stood in the name of her husband, as if, he died and obtained legal heirs certificate and sold out the property in favour of the third party. However, now the sale deed was cancelled. The second petitioner is none other than the mother of the first



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

4. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. 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 cum Special Court for land Grabbing Cases, Ramanathapuram, 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 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/-

14/03/2023

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/03/2023

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

SJI

<https://www.mhc.tn.gov.in/judis>



TO

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

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

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.MUTHAMIZH SELVAKUMAR.P, Advocate (SR-4214[I] dated
15/03/2023)

ORDER

IN

CRL OP(MD) No.22631 of 2022

Date :14/03/2023

RS/SBN/SAR-1(27.03.2023) 3P 6C