



WEB COPY



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) . Nos.23200 of 2022 and 285 of 2023

1. Radhakrishnan,

2. Shanthi,

3. Sridhar,

... Petitioners/Accused Nos.1 to 3
in CrI.O.P(MD) No.23200 of 2022

Mariappan

... Petitioner/Accused No.6
in CrI.O.P(MD) No.285 of 2022

Vs

State Rep.by

The Inspector of Police,

District Crime Branch (ALGSC),

Madurai District.

Crime No.24 of 2022..

... Respondent/Complainant

In CrI.O.P(MD) No.23200 of 2022:

For Petitioners : M/s.Ayyanar Prem Kumar S, Advocate.

For Respondent : Mr.R.M,Anbunithi,
Additional Public Prosecutor

In CrI.O.P(MD) No.285 of 2023:

For Petitioner : M/s.Sepana @ Sree.P, Advocate.

For Respondent : Mr.R.M,Anbunithi,
Additional Public Prosecutor

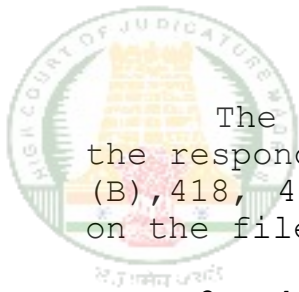
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

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



The petitioners/accused who apprehend arrest at the of the respondent police for the offences punishable under sections 120 (B), 418, 419, 420, 466, 468, 471 of I.P.C., in Crime No. 24 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that A1 is the brother of the defacto complainant and he along with other petitioners jointly fabricated documents and sold the defacto complainant's share of 11 cents out of 22 cents which belongs to the mother-in-law of the defacto complainant. Further A1 took the money of the father from the bank based on the legal heir certificate by evading the defacto complainant, hence the case came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 using the forged legal heir certificate had taken the money of his father from his bank without the knowledge of the defacto complainant, hence he opposed to grant anticipatory to the petitioners

5. It is seen that the husband of the defacto complainant died and after his demise without giving any share in respect of the family properties the petitioners had taken the properties. Further it is seen that the entire issues are civil in nature, hence custodial interrogation of the petitioners is not required, hence 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 Special Judicial Magistrate for Land grabbing cases, Madurai, 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/-
07/03/2023

/ TRUE COPY /

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

AAV

TO

1 THE SPECIAL JUDICIAL MAGISTRATE
FOR LAND GRABBING CASES, MADURAI

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

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

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

+2 CC to M/s.S.AYYANAR PREM KUMAR, Advocate (SR-3526, 3524[I] dated
07/03/2023

ORDER
IN
CRL OP(MD). Nos.23200 of 2022
and 285 of 2023
Date : 07/03/2023

PKP/BUC/SAR-2/13.03.2023/ 3P/7C

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