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CRL OP(MD). A



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2023

PRESENT

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

CRL OP(MD). No.23311 of 2022

1. B.Karthika,

2. M.Karthik,

3. M.Kokila, ... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,

District Crime Branch,

Trichy District.

(Crime No. 30 of 2022). ... Respondent/Complainant

P.Santhi

...Petitioner/Intervener/Defacto Complainant
in Crl MP(MD)No.517 of 2022

For Petitioner : M/s. Senthamarai Kannan.E, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.V.Muthukamatchi, Advocate
in Crl MP(MD)No.517 of 2022

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

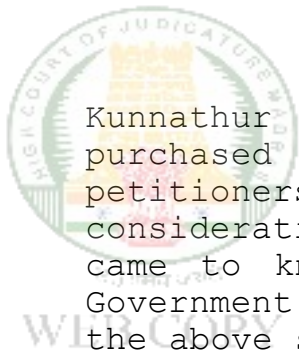
PRAYER :-

For Anticipatory Bail in Crime No.30 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417 and 420 r/w 34 of IPC, in Crime No.30 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are
<https://www.mca.gov.in> lands in S.Nos.334 and 338/3, which is situated at



Kunnathur Village, Trichy District. The de-facto co-plaintiff purchased the said land with the help of A4 and A5 and the petitioners have also received a sum of Rs.52,00,000/- as sale consideration for the said land. Later, the de-facto complainant came to know that the said land was proposed to acquire by the Government and notice was also issued on 01.07.2022. By suppressing the above said acquisition proceedings, the petitioners sold out the said land to the de-facto complainant. The de-facto complainant asked the petitioners and other accused to return back the amount, the same was refused by the petitioners. Hence, the case.

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

4.According to the petitioners, the petitioners have owned 4.90 acres of land, in which, the Government acquired to an extent of 1.86 acres by issuance of notice under Section 4(1) of the Land Acquisition Act, dated 29.10.2021. Therefore, the petitioners executed a sale deed to an extent of 21 cents by registered sale deed dated 11.02.2022 in favour of the de-facto complainant. Subsequently, the remaining land to an extent of 63 cents and 79 cents were executed in favour of the de-facto complainant by way of other two sale deeds. After sold out the remaining property, the Government again issued notification under Section 4(1) of the Land Acquisition Act on 01.07.2022, in order to acquire for further land in the very same scheme. Therefore, the petitioners are nothing to do with the subsequent notice issued under Section 4(1) of the Land Acquisition Act. If at all, the Government had intended to acquire the subject property, they can issue notice directly to the subsequent purchasers and proceed in accordance with law. Therefore, the petitioners did not commit any offence as alleged by the prosecution. Therefore, the custodial interrogation of the petitioners is not absolutely required in this case.

5.Considering the above 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 No.I, Trichy, 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 1 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

TO

1 THE JUDICIAL MAGISTRATE NO.I
TRICHY.

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

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

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

+1. CC to M/S. SENTHAMARAI KANNAN.E Advocate SR.No.15745(F)

ORDER

IN

CRL OP(MD) No.23311 of 2022

Date :14/03/2023