



CRL OP(MD) No.23406 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.23406 & 23427 of 2023

**1 K.SOUNDARRAJAN
2 SUNDARAMOORTHY @ SUNDARASAMY**

**... PETITIONERS/ ACCUSED NO.1 & 3
IN CRL OP(MD).23406/2023**

**1 KANMANI JOAN OF ARCH
2 K.THIYAGARAJAN**

**... PETITIONERS/ ACCUSED NO.2 & 4
IN CRL OP(MD).23427/2023**

Vs

**1 THE INSPECTOR OF POLICE
CCB CRIME, CANTONMENT,
TRICHY.
CRIME NO.49/2017**

2 POOMALAI

**... RESPONDENTS/DEFACTO COMPLAINANTS
IN BOTH CRL OP's**

IN BOTH PETITIONS

For Petitioners : M/S.S.VEDAVALLI, Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

PETITIONS FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

**COMMON PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.49 OF 2017 ON
THE FILE OF THE RESPONDENT POLICE.**



CRL OP(MD) No.23406 of 2023

COMMON ORDER : The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 406, 419, 465, 468, 471 and 420 IPC in Crime No.49 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant as the Power Agent of one Somasundaram entered into a Memorandum of Understanding on 26.02.2016 with the first accused to purchase 66 acres of land in Panjapur, Trichy, at the rate of 17 Lakhs per acre. Thereafter, with the help of the fifth accused, four sale deeds were registered on 07.04.2016 in respect of 2 ½ acres and six sale deeds were registered on 04.05.2016 in respect of two acres 62 cents. While making mutations of revenue records, it was found that the accused Nos.1 and 5 to 26 fabricated the records. Thereafter, the first accused undertook to settle the matter by creating charge over his own property and the same was not done. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. She would further submit that subsequent to the filing of this complaint, the petitioners have paid some amount in favour of the defacto complainant. Hence, she prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent Police



CRL OP(MD) No.23406 of 2023

would submit that the investigation is yet to be completed.

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5. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m.,



CRL OP(MD) No.23406 of 2023

for a period of two weeks and thereafter, as and when required for interrogation;

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(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
05/01/2024

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/01/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.



CRL OP(MD) No.23406 of 2023

3 THE INSPECTOR OF POLICE, CCB CRIME, CANTONMENT, TRICHY.

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

ORDER

IN

CRL OP(MD) Nos.23406 & 23427 of 2023

Date :05/01/2024

RS/JGB/SAR-(31.01.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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