



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

Tuesday, the Sixteenth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10729 of 2015

WEB COPY

1 DR. R. SETHURAMAN
2 DR. S. VIJAYALAKSHMI
3 DR. RAMASWAMI

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

1 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, MADURAI
TOWN, MADURAI, CRIME NO.54/2015

... RESPONDENT(S) / COMPLAINANT(S)

For Petitioner : M/S.T.C.S.THILLAINAYAGAM Advocate

For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

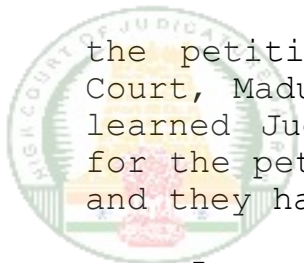
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 468 r/w. 120(B) of I.P.C., in Crime No.54 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant viz., Gulam Hussain Sahib, the property in dispute was originally belonged to his grand father Gaffoor Masthan and the accused have created documents to grab the property.

3. The learned counsel for the petitioners submitted that the grand father of the de-facto complainant had sold the property by a registered sale deed dated 20.06.1945 in favour of Bhrammanandha Swamy Madalayam and in the year 1951, due to dispute, the father of the de-facto complainant along with his brother executed another registered release deed dated 25.06.1951 and therefore, Madalayam was the owner of the property.

4.The learned counsel for the petitioner further submitted that the owner viz., Madalayam filed a Trust O.P.No.3 of 1994 seeking permission of the District Judge, Madurai to sell the property and as per the permission, the property was sold to the petitioners by a registered sale deed dated 09.09.1996 and registered sale deed dated 09.09.1996 and 12.09.1996. It is further submitted that since the de-facto complainant had attempted to interfere with the possession,



the petitioners have instituted a suit before the Principal Sub Court, Madurai in O.S.No.535 of 2015 and in I.A.No.386 of 2015, the learned Judge has granted interim injunction. The learned counsel for the petitioners also submitted that the petitioners are innocent and they have been falsely implicated in this case.

5. Per contra, the learned Government Advocate (Crl.side) submitted that the accused have conspired together to grab the property of the de-facto complainant and they have forged the document.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate (Anti Land Grabbing Special Court), Madurai and on executing 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 learned Magistrate concerned and on further condition that the third petitioner shall appear before the respondent police daily at 10.00 a.m., for a period of one week and thereafter as and when required and the petitioners 1 and 2 shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

16/06/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE (ANTI LAND GRABBING SPECIAL COURT)
MADURAI
- 2 THE INSPECTOR OF POLICE ANTI LAND GRABBING SPECIAL CELL,
MADURAI TOWN, MADURAI,
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.C.S.THILLAINAYAGAM Advocate SR.No.31331

ORDER

IN

CRL OP(MD) No.10729 of 2015

Date :16/06/2015

NA/PPS/19/06/2015/P2/5C

<https://hcservices.ecourts.gov.in/hcservices/>