



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

Wednesday, the Fourth day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.1318 of 2015

1 DAWOOD BATCHA

2 K.T.A. HAJAMOHIDEEN

3 M.HAJA MAIDEEN

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

1 THE SUPERINTENDENT OF POLICE

OFFICE OF THE SUPERINTENDENT OF POLICE,
THANJAVUR TOWN AND DISTRICT.

2 THE DEPUTY SUPERITNENDENT

OF POLICE, DISTRICT CRIME BRANCH, THANJAVUR
DISTRICT.

3 THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.
CR. NO. NOT KNWON OF 2015.

... RESPONDENTS / COMPLAINANTS

For Petitioner : M/S.M.R.S.PRABHU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

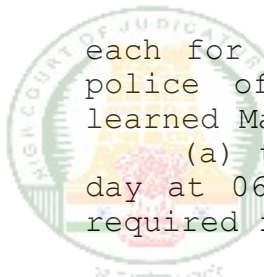
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.2 of 2015, on the file of the respondent police for offences under Sections 420 and 463 IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondent.

3. This case has been registered pursuant to the directions issued by this Court in Crl.O.P.No.18839 of 2014 on 20.10.2014. The de-facto complainant in this case is the sister-in-law of Dawood Basha (first petitioner herein) (Dawood Basha's wife's sister). The dispute is with regard to a lease deed, dated 25.01.2011, which the de-facto complainant alleges that these petitioners have forged. In this regard, a civil suit is pending between the parties in O.S.No.172 of 2013 on the file of the District Munsif Court at Thiruvaiyaru. The respondent police have also filed a status report, in which, they have stated that pursuant to the interim anticipatory bail that was granted by this Court, the petitioners appeared before the respondent police and cooperate with the investigation. The de-facto complainant had undertaken to produce the original lease deed dated 25.01.2011, but she has not produced the same before the respondent police and therefore, they are unable to proceed further with the investigation. Under such circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, anticipatory bail is granted to these petitioners, but with conditions.

4. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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) the petitioners shall report before the respondent police every day at 06.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioners are complying with the condition or not.

sd/-

04/03/2015

/ TRUE COPY /

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

TO

- 1 THE SUPERINTENDENT OF POLICE
OFFICE OF THE SUPERINTENDENT OF POLICE,
THANJAVUR TOWN AND DISTRICT.
- 2 THE DEPUTY SUPERITNENDENT
OF POLICE, DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.
- 3 THE JIUDICIAL MAGISATRATE,
THIRUVAIYARU
- 4 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR
- 5 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THANJAVUR DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT MADURAI

+1. CC to M/S.M.R.S.PRABHU Advocate SR.No.10494

Sm:09.03.2015:2P/8C:

ORDER IN
CRL OP(MD) No.1318 of 2015
Date :04/03/2015