



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

Thursday, the Fifteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15926 of 2015

1 P. SYED MOHAMED
2 R. MOHAMED MEERAN
3 M. ASHRAF ALI
4 M. SOWKAT ALI
5 S. SYED OLI
6 N. CHINNIAN

... PETITIONERS/ACCUSED NO.1 TO 6

Vs

THE STATE REP BY
THE INSPECTOR OF DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
DINDIGUL.
(CRIME 37 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.SARAVANAN Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

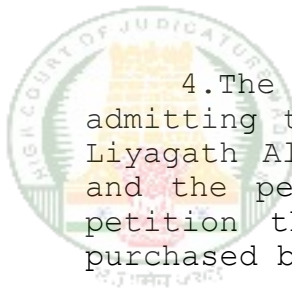
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A6 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120-B, 465, 468, 471 and 420 of IPC, in Crime No.37 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that one Liyagath Ali become the absolute owner of the property in view of the settlement deed executed by Ponnaiah Rowther on 21.07.1970 and the said Liyagath Ali sold 7 acres to one Mohammed Musthafa, by a registered sale deed, dated 24.10.1980 and the remaining extent of 7.66 acres were sold to A2 by a registered sale deed, dated 17.07.1982 and when A2 was having right only to an extent of 7.62 acres, he sold 6 acres to A3 and another 6 acres to A4 and 2.62 acres to A5 by registered sale deeds, dated 05.03.1990 and A6 has prepared the sale deeds as Document Writer with a view to grab the property of the de-facto complainant.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the de-facto complainant is the sister of the original owner Liyagath Ali and when he sold his entire right in favour of Mohammed Musthafa and Mohammed Musthafa, by registered sale deeds in the year 1980 and 1982, the de-facto complainant does not have any right over the properties and therefore, the criminal complaint itself is not maintainable in law.



4.The learned counsel further submitted that the petitioners are admitting that A2 has purchased only 7.62 acres from the original owner Liyagath Ali, however, by mistake A2 has sold larger extent to A3 to A5 and the petitioners have categorically stated in the anticipatory bail petition that they will not claim right for larger extent more than purchased by a registered sale deed, dated 17.07.1982.

5.The learned counsel further submitted that A2 to A5 have now presented a document for rectification of the mistake committed in the sale deeds, dated 05.03.1990 and if once the documents are registered, A2 to A5 will not claim more than the extent purchased by the registered sale deed, dated 17.07.1982.

6.The learned counsel for the petitioners has filed a copy of the Rectification Deed, dated 30.09.2015, which was presented for registration on 01.10.2015. It is further submitted that the petitioners 1 and 2 are senior citizens and the present complaint is filed with an ulterior motive.

7.The learned Government Advocate (Criminal side) appearing for the respondent submitted that A6 is a Document Writer and he prepared the sale deeds, dated 05.03.1990 with a view to grab the property of the de-facto complainant.

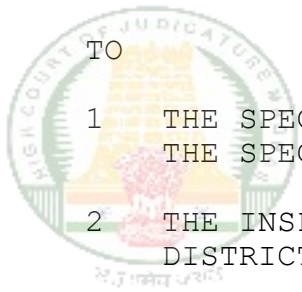
8.Considering the fact that the petitioners already presented a document for rectification of the mistake committed in the sale deeds, dated 05.03.1990 and they have categorically stated that they will not claim right more than the extent purchased by them, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for Land Grabbing Cases, Madurai and on each of them executing a 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 learned Judge/Magistrate concerned and on further condition that the petitioners 1 and 2 shall appear before the respondent police as and when required and the petitioners 3 to 6 shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10.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/-
15/10/2015

/ TRUE COPY /



TO

- 1 THE SPECIAL JUDGE ,
THE SPECIAL COURT FOR LAND GRABBING CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, ANTI LAND GRABBING SPECIAL CELL, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.SARAVANAN Advocate SR.No.61587

ORDER
IN
CRL OP(MD) No.15926 of 2015
Date :15/10/2015

CSL/JGB/SAR-I/26.10.2015
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