



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

Tuesday, the Eighteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15974 of 2015

1 D. PANDI AMMAL

2 R. DURAIPANDI

... PETITIONER(S) / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
BACK SIDE TO PANDIAN HOTEL,
MADURAI -2
(CRIME NO. 75 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.AN.RAMANATHAN Advocate

For Respondent : M/S.S.Prabha Government Advocate (Crl.Side)

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

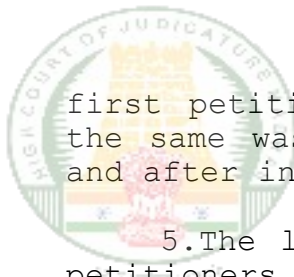
ORDER : The Court Made the following order :-

The petitioners, who are arrayed accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448 and 506(ii) of I.P.C. in Crime No.75 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant, he borrowed a sum of Rs.5,00,000/- from the accused and at the time of lending money, the accused got his signature in a blank promissory note and misusing those documents, they created a sale agreement to grab the property of the defacto complainant and trespassed into his property and also threatened him with dire consequences.

3.The learned counsel appearing for the petitioners submitted that the defacto complainant had entered into an agreement with the petitioners on 12.02.2007 agreeing to sell the property for a total consideration of Rs.12,00,000/- and on various dates a sum of Rs.5,10,000/- was paid as advance and to settle his loan, the defacto complainant received another Rs.4,10,000/- and also handed over the possession of part of the property on 05.06.2007.

4.The learned counsel for the petitioners further contended that the defacto complainant suppressing the fact that he had already pledged the property with the Co-operative Bank entered into an agreement with the



first petitioner for which, the first petitioner lodged a complaint and the same was registered by the Central Crime Branch in Cr.No.15 of 2008 and after investigation they have also laid the charge sheet in that case.

5.The learned counsel for the petitioners further submitted that the petitioners have been in possession and enjoyment of the property from the year 2007 and since the defacto complainant attempted to interfere the enjoyment of the property, the first petitioner filed a suit in O.S.No.446 of 2015 on the file of the District Munsif Court, Madurai and after receiving summons in the suit on 12.08.2015, the present complaint is filed. He further submitted that the petitioners are husband and wife and they are innocent persons and they have been falsely roped in this case.

6.The learned Government Advocate (Crl.side) would submit that the petitioners by fabricating the document attempted to grab the property of the defacto complainant and vehemently opposed the granting of anticipatory bail to the petitioners.

7.Considering the nature of allegations made against the petitioners, 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 arrest or on their appearance before the Special Court, Anti Land Grabbing Cell, Madurai, now in-charge by Judicial Magistrate No.II, 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 Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police as and when required and the second petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-
18/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE SPECIAL COURT, ANTI LAND GRABBING CELL, MADURAI
NOW INCHARGE, JUDICIAL MAGISTRATE NO.II, MADURAI.
2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
4 THE INSPECTOR OF POLICE, ANTI LAND GRABBING SPECIAL CELL, BACK SIDE
TO PANDIAN HOTEL, MADURAI -2

+1. CC to M/S.AN.RAMANATHAN Advocate SR.No. 47275.

TS/22.08.2015/2P - 6C KBM/LIB