



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.18289 of 2014

WEB COPY

1 M.BOSE
2 B.DHANALAKSHMI
3 B.VINOTHKUMAR
4 M.P.MOONGILSELVAM
5 M.PERIAKAMU

... PETITIONERS / ACCUSED NOS.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DINDIGUL DISTRICT.
CRIME NO.110/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.MURALI Advocate

For Respondent : MR.C.RAMESH, Government Advocate (Criminal 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.110 of 2014 on the file of the respondent police for offences under Sections 120b, 294(b), 420, 465, 468, 471, 506(i) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2. This complaint has been registered pursuant to the direction under Section 156(3) of Cr.P.C. The case of the de-facto complainant is that the petitioners herein are the owners of only 20 cents of land in S.No.361-3A and that they have sold 22 cents of the land to A4 on 04.08.2004. The said extra 2 cents, according to the de-facto complainant, belongs to her. It is seen that the first petitioner Bose had purchased 43 cents of land from one Meenakshi Servai by deed of sale dated 05.12.1990 and therefore, it is the contention that he is the owner of the land that was sold to A4. It appears that the de-facto complainant lodged a complaint to the police and after enquiry, the police had closed the case by directing the petitioners to work out their remedies before the Revenue Authorities.

Thereafter, the de-facto complainant had approached the Magistrate



for investigation under Section 156(3) Cr.P.C. The transaction with the first petitioner and A4 was in the year 2004 and only in 2010, the de-facto complainant appears to have purchased the disputed 2 cents of land in question. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners, but with conditions:

3. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.II, Dindigul, on their 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 1 and 4 shall report before the respondent police every day at 10.30 a.m. and 6.30 p.m. for a period of two weeks and thereafter as and when required for interrogation.

(b) the petitioners 2,3 and 5 shall appear before the respondent police as and when required.

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

[d] 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 petitioner 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]**.

sd/-
13/01/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE INSPECTOR OF POLICE, ANTI LAND GRABBING SPECIAL CELL,
DINDIGUL DISTRICT.

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

+1. CC to M/S.M.MURALI, Advocate SR.No.1925.

ORDER IN
CRL OP(MD) No.18289 of 2014
Date :13/01/2015

msm 19.01.2015 p3/6c