



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

Tuesday, the Eighth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.18861 of 2015

1 SHEIK MOHAMED

2 SHEIK SULAIMAN SAHIB

... PETITIONERS/ACCUSED NOS.1&4

Vs

THE STATE THROUGH

THE INSPECTOR OF POLICE

DCB/A.L.G.S.C,

KANYAKUMARI DISTRICT AT NAGERCOIL

(CRIME NO. 15 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S C.CHRISTOPHER Advocate

For Respondent : M/S.K.ANBARASAN, Govt. Advocate (Crl. Side)

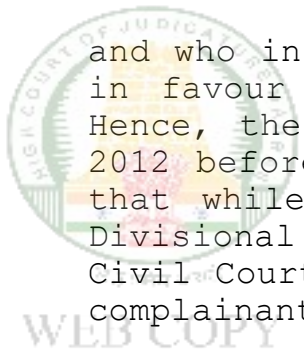
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 465, 468 and 471 of IPC in Crime No.15 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the family of the de facto complainant is the owner of land measuring an extent of 6 Acres and 14 Cents and the family of A3 to A6 are the owners of 6 Acres and 14 Cents in S.No.1449, R.S.No.374 at Chiramadam Village, Kanyakumari District. In such circumstances, A3 to A6 executed a power of attorney, appointing A2 as their power agent to deal with the entire 12 Acres 28 Cents on their behalf. Based on the power of attorney, A2 sold the entire 12 Acres 28 Cents of land to his son viz., A1. On the complainant, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that as per the decree passed in O.S.No.69 of 1967 on the file of the Sub Court, Nagercoil dated 26.07.1968, A3 to A6 are the absolute owners of the entire property viz., 12 Acres 28 Cents. He further submitted that since they were in possession and enjoyment of the entire property, they executed a power of attorney in favour of A2



and who in turn as a power agent of A3 to A6, executed a sale deed in favour of A1 and the patta was transferred in favour of A1. Hence, the de facto complainant has given a complaint in the year 2012 before the respondent police has closed the same stating that that while the patta proceedings were pending before the Revenue Divisional Officer, the de facto complainant has to approach the Civil Court or Revenue Divisional Officer and thereafter, de facto complainant has given a present complaint.

4. The learned counsel appearing for the intervenor submitted that the de facto complainant is the owner of the property in respect the land measuring an extent of 6 Acres 14 Cents and the accused have created the forged documents and sold the entire property in favour of A1.

5. The learned Government Advocate (Crl. Side) would submit that the de facto complainant is the owner of the property in respect of land measuring an extent of 6 Acres and 14 Cents, by forging the document A3 to A6 appointed A2 as their power agent for entire 12 Acres 28 Cents of land and the A2 sold the same in faovur of A1 and the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the A3 to A6 are absolute owner of the entire property, as per the Decree passed in O.S.No.69 of 1967 and that the earlier complaint given by the de facto complainant has been closed in the year 2012, 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 learned Special Judicial Magistrate, Special Court for Anti-Land Grabbing Cases, Thiruneveli and on their 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 petitioners shall appear before the respondent police daily at 10.00 am until further orders 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/-
08/12/2015

/ TRUE COPY /

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



TO

1. THE SPECIAL JUDICIAL MAGISTRATE,
SPECIAL COURT FOR ANTI-LAND GRABBING CASES
TIRUNELVELI

2. THE INSPECTOR OF POLICE
DCB/A.L.G.S.C,
KANYAKUMARI DISTRICT
NAGERCOIL

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

+1. CC to M/S C.CHRISTOPHER Advocate SR.No.70066

RL/5C/SKS/RR/SARI/10/12/2015

ORDER

IN

CRL OP(MD) No.18861 of 2015

Date :08/12/2015