



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

Friday, the Sixth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.21457 of 2015

THANGAVADIVU

... PETITIONER /9th ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
NAGERCOIL,
KANYAKUMARI DISTRICT.
(IN CRIME NO. 39/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S C.KISHORE Advocate

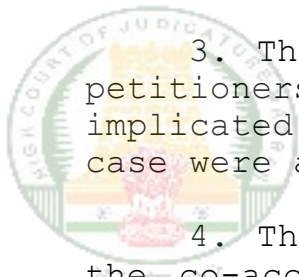
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.9, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 403, 406, 463, 464, 465, 468, 471 and 420 of IPC, in Crime No.39 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the property in R.S.Nos.684/1A1A and 684/3, Tiruvattar Village, was owned by the *de-facto* complainant's father one Mr.Kurusumuthu. The said property was devolved on said Kurusumuthu, by virtue of a partition deed of the year 1965 and subsequently, in the year 2013, the said Kurusumuthu settled the said property in favour of the *de-facto* complainant. Further, the *de-facto* complainant's father's right over the property was declared in O.S.No.453/1971, A.S.No.129/1973 and S.A.No.1753/1977, and on 28.02.2000, the first accused settled a portion of the above said property, *i.e.*, 90 cents to the second accused and in the year 2012, the second accused settled the said portion of the land to the third and fourth accused. Further, the seventh and eighth accused purchased 15 cents of land from one Thanappan Thambi, vide Document No.3987 and the seventh and eight accused persons without right, title over the said property, sold a portion of above land to an extent of 10 cents to the 10th accused on 20.09.1994. After the demise of the eighth accused, the petitioner herein settled the very same 10 cents of land to the 10th accused.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that A5 to A8 in this case were already died.

4. The learned Government Advocate (Crl. side) submitted that the co-accused, viz., A1 to A4 and A10 were already enlarged on bail, by this Court, in Crl.O.P.(MD) No.9683 of 2015, on 03.06.2015.

5. Considering the rival submissions made by both sides and also considering the fact that the co-accused viz., A1 to A4 and A10 were already enlarged on bail, by this Court, in Crl.O.P.(MD) No.9683 of 2015, on 03.06.2015, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or on her appearance before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli, and on her 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 petitioner shall report before the respondent police as and when required, for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner 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/-
06/11/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE TIRUNELVELI.
 - 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE SUB INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, NAGERCOIL, KANYAKUMARI DISTRICT.
- +1. CC to M/S C.KISHORE Advocate SR.No.65437

ORDER
IN
CRL OP(MD) No.21457 of 2015
Date : 06/11/2015