



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

Tuesday, the Tenth day of February Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21917 of 2014

DHANUSKODIAMMAL

... PETITIONER/ ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
ANTI LAND GRABBING WING, THENI DT,
CRIME NO. 5 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.MANOCHARAN Advocate

For Respondent : Mr.A.P.Balasubramani Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420,465,468,471 and 506(ii) IPC in Crime No.5 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the state.

3. This case has been registered pursuant to the direction issued by the Court in Crl.O.P.No.20076 of 2014. The case of the defacto complainant is that the property in question belongs to him and he inherited the same from his father. While so, he alleges that on 25.11.1986, this petitioner created encumbrance on his property by registering a sale deed in respect of S.No. 823/5 in 88 cents vide Doc.No. 2156 of 1986.

4. It is seen that this petitioner purchased 88 cents in S.No. 823/5 on 25.11.1986 from one Munusamy Naidu and five others. The said Munusamy Naidu's father Subbiah Naidu is the brother of the defacto complainant's father. Thus the dispute essentially is with regard to the title to the property through two branches of the families. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute 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 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) that petitioner shall report before the respondent police as and when required for interrogation.

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(c) the petitioner 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 petitioner 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/-
10/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, THENI.

2 Do Through THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

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

4 THE INSPECTOR OF POLICE
ANTI LAND GRABBING WING, THENI DISTRICT.

+1. CC to M/S.R.MANOCHARAN Advocate SR.No.6579.

TS/19.02.2015/2P-6C

ORDER
IN
CRL OP(MD) No.21917 of 2014
Date :10/02/2015