



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.22717 of 2015

1 THANGAMMAL
2 VASANTHA
3 SAROJA

... PETITIONERS/ACCUSED 1 - 3

Vs

THE STATE OF TAMILNADU
1 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT,
CRIME NO.50 OF 2014.

... 1st RESPONDENT/COMPLAINANT

2 THE SECRETARY
NELLIYARAKONAM CHRISTHAVA MUNNETTRA SANGAM,
MUTHLAKURICHI, THUCKALY POST,
KANYAKUMARI DISTRICT.

... 2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S C.K.M. APPAJI Advocate

For Respondent : MR.K.ANBARARASN, Government Advocate (Crl. Side)

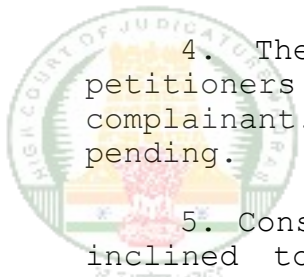
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468 and 471 of IPC in Crime No.50 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant is the owner of the property comprised in R.S.No.319/7 and 11 situated at Eraniel Village. The petitioners were permitted to occupy only portion of the land as tenant. Subsequently, they created a forged document, as if the same was executed by way of gift from the de facto complainant and they did not pay the rent to him. When he demanded the same, they threatened him with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are not tenants and the de facto complainant has no right in the property. He further submitted that the de facto complainant has filed a suit in O.S.No.96 of 2011 on the file of the learned District Judge, Eraniel for injunction restraining the occupants and the said suit was dismissed.



4. The learned Government (Crl. Side) submitted that that the petitioners have created a forged document and threatened the de facto complainant. He further submitted the investigation of the case is pending.

5. Considering the facts and circumstances of the case, 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 Judicial Magistrate, Padmanabhapuram, 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 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.

6. 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/-

17/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE , PADMANABHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH, NAGERCOIL, KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S C.K.M. APPAJI Advocate SR.No.72500
trp
CSL/GSV-AN/SAR-I/22.12.2015/2p/6c

ORDER
IN
CRL OP(MD) No.22717 of 2015
Date :17/12/2015