



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.23220 of 2015

1 B. MOHAMED KALIBULLAH
2 M. SIRAJ NISHA
3 DR. M. MOHAMED ASIQ

... PETITIONER/ACCUSED

Vs

STATE REP.THROUGH
1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL.
(CRIME NO.70 OF 2015)

...RESPONDENT/COMPLAINANT

2 MRS. ARIVIN
NISHA

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S P.YASMIN BEGUM, Advocate

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

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

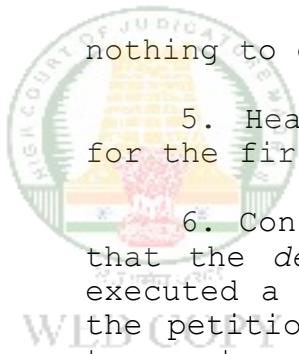
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120(b) and 506(i) of IPC, in Crime No.70 of 2015, 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, measuring an extent of 5 Acres. The petitioners without having any title to the property, sold the property belonging to the de-facto complainant on 26.08.1993 to third parties.

3. The case of the petitioners is that they are innocent and they have not committed any offence as alleged by the prosecution. Originally, the property belonged to the father of the first petitioner. The de-facto complainant is the younger sister of the first petitioner. The father of the first petitioner died on 24.02.1989. On 02.03.1989, the de-facto complainant and another sister, by name Nabeesh Ammal, executed an unregistered 'hiba deed' releasing their shares in the property after receiving a sum of Rs.20,000/- each. Subsequently, the elder sister of the de-facto complainant filed a Civil Suit in O.S.No.86 of 1990. The said suit was dismissed.

<https://hcservices.courts.gov.in/hcservices>
4. The learned counsel for the petitioners submitted that, according to the de-facto complainant, the property was sold on 26.08.1993 by the petitioners. At that time, the third petitioner was two years and he has



nothing to do with the alleged offence and it is only a civil dispute.

5. Heard the learned Government Advocate (Criminal side) appearing for the first respondent.

6. Considering the facts and circumstances of the case and the fact that the *de-facto* complainant is the sister of the petitioners and she executed a gift deed in favour of the petitioners and also the fact that the petitioners sold the property on 26.08.1993, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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, 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 report before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. 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 JUDICIAL MAGISTRATE NO.II, DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

SMN2
CSL/GSV-AN/SAR-II/18.12.2015
2P/5C

ORDER
IN
CRL OP(MD) No.23220 of 2015
Date :08/12/2015