



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

Monday, the Seventeenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.23378 of 2014

1 MRS.CHANDRA
2 MR.MARIABABU
3 MRS.JOSEPHINE KAMALA
4 XAVIER RAJ
5 MRS.ARUPUTHAMARY
6 MR.CHELLAPPA
7 MR.PALRAJ
8 MR.PUSHPARAJ
9 MR.RAJA @ MEESAI RAJA ... PETITIONERS/ACCUSED NOS.1 TO 9

Vs

1.THE DEPUTY SUPERINTENDENT OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,DINDIGUL.
2 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
DINDIGUL.
(CRIME NO.147/2014) ... RESPONDENTS/ COMPLAINANTS

For Petitioner : M/S.SARVABHAUMAN ASSOCIATES Advocate
For Respondent : M/S.S.PRABHA, 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 A1 to A9 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(b), 420, 427, 447 and 506(i) of IPC, in Crime No.147 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, A3 and A4 were acquainted with him as they were conducting a civil case and on the basis of the representation made by the 3rd petitioner/A3, he purchased the property to an extent of 16 cents from A1 and also paid Rs.3,00,000/- towards advance in the presence of the other



accused, the property was partitioned and 16 cents possession was given to him and thereafter, the accused have trespassed into the property and also caused damage to the fencing and now, they are attempted to grab the property.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that A1, A3, A5 and A7 are sisters and brother and the other accused are the family members of A1. The learned counsel further submitted that in respect of the dispute over the property between the accused and the de-facto complainant, two suits in O.S.Nos.119 of 2012 and 118 of 2014 are pending before the District Munsif Court, Kodaikanal and A1 gave a complaint to the Superintendent of Police, Dindigul on 03.02.2014, in which the de-facto complainant appeared for enquiry and made an endorsement to resolve the dispute in a civil court, but this complaint was given with an ulterior motive.

4.The learned counsel further submitted that earlier the case was referred to the mediation centre and the petitioners were regularly appearing before the mediation, however, the de-facto complainant did not turn up and therefore, the matter could not be settled before the mediation.

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

6.Considering the above facts and circumstances of the case, 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 appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition 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/-
17/08/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. II
DINDIGUL

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT

3. THE DEPUTY SUPERINTENDENT OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
DINDIGUL.

4. THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
DINDIGUL.

5. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SARVABHAUMAN ASSOCIATES Advocate SR.No.47251
RL/7C - 25/8/2015

ORDER
IN
CRL OP(MD) No.23378 of 2014
Date :17/08/2015