



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

Thursday, the Nineteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2788 of 2015

1 F.FIROZA
2 N.FAROOK
3 N.ARIFF

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
TALLAKULAM POLICE STATION,
TALLAKULAM, MADURAI.
IN CR.NO.NOT KNOWN OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. T.R. SUBRAMANIAN Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of the Indian Penal Code in Crime No.not known of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel appearing for the petitioners.

3. Since no regular case has been registered and only a petition enquiry is pending, this Court granted interim anticipatory bail on 18.02.2015 with a direction to the petitioners 1 and 3 to appear before the respondent police daily at 05.30 p.m for a period of two weeks and the second respondent to appear before the respondent police as and when required. On 05.03.2015, when the matter was called, the respondent Police filed a status report, in which, they stated that the petitioners are complying with the order passed by this Court and it is further revealed that enquiry in the case was stopped because the First Bench of this Court had quashed G.O.(Ms)No.423, Home (Pol-X1) Department, dated 28.07.2011, constituting the Land Grabbing Cell. Now, the Honourable Apex Court has granted stay of the order passed by this Court and hence, there is no impediment for the Police to proceed with the investigation and therefore, interim order already granted by this Court on 18.02.2015 is further extended till today ie., 19.03.2015.

4. Today, the respondent Police have filed a status report, in which, in paragraph No.7 it is stated as follows:-

"7.It is respectfully submitted that on perusal of documents and enquiry reveals that the defacto complainant's husband and the counter petitioner were entered into an agreement in Document No.8256/2004. Both the parties combined themselves and made all the



transactions. Further, it is submitted that the dispute is purely of civil in nature and therefore, further action could not be preceded by the Department."

5. In view of the stand taken by the respondents in paragraph No.7 of the counter stated supra, this Court is of the view that it is a fit case for granting anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Anti-Land Grabbing Special Court, Madurai on condition that each of 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] the petitioners shall appear before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial 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]**.

(e) In the event of the respondent Police registering a regular case, this anticipatory bail will enure to the benefit of the petitioners and they need not apply to file a fresh application for anticipatory bail.

sd/-
19/03/2015

/ TRUE COPY /

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

TO

1. THE ANIT LAND GRABBING SPECIAL COURT, MADURAI.
2. THE INSPECTOR OF POLICE ANTI LAND GRABBING SPECIAL CELL,
TALLAKULAM POLICE STATION, TALLAKULAM, MADURAI.
3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. T.R. SUBRAMANIAN Advocate SR.No.13398

ORDER
IN
CRL OP(MD) No.2788 of 2015
Date :19/03/2015