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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.8416 of 2014

AHAMED MEERA ... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DIST,
CR.NO.5/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S. S. DEENADHAYALAN Advocate

For Respondent : Govt. 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 120-B, 417, 423, 465 and 468 IPC in Crime No.5 of 2014 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 is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.4431 of 2014 was dismissed as withdraw on 04.04.2014. Initially, this matter was referred to the Mediation Centre and a failure report dated 20.11.2014 has been received from the Mediation Centre.

4. The defacto complainant in this case is one Sikkandar. According to the defacto complainant, the property in question measuring 0.24.5 ares in S.No.211/9 in Veerachozhan Village, belonged to the defacto complainant's mother and after her death on 06.08.2004, it devolved upon the defacto complainant and his brother Ali Akbar. Since the defacto complainant and his brother Ali Akbar were employed in Chennai, they had requested one Gafoor Mohamed, who is the owner of the adjacent land to take care of their land. While so, the petitioner herein, taking advantage of the fact that the defacto complainant and his brother are not in the Village, registered a settlement deed dated 07.04.2010 vide Doc.No.397 in favour of his wife Zainambu Kani stating that he had obtained title to the property from his grand-mother. On the strength of the settlement deed, his wife Zainambu Kani sold the property on 02.04.2010 to one Jothilakshmi, who is the daughter of one Rajendran, the Village Administrative Officer of the place. With the help of VAO, they secured changed revenue records in their names.

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5. Learned counsel for the petitioner submitted that the property originally belonged to the petitioner's grand mother, in connection with which, a suit in O.S.No.165 of 2013 is pending before the District Munsif, Aruppukkottai.

6. In the considered opinion of this Court, civil litigation will not efface the criminal conduct in any manner. It is also seen that there is another case against this petitioner in Crime No.4 of 2014. Under such circumstances, this is not a fit case to grant anticipatory bail to this petitioner. Hence, the Criminal Original Petition is dismissed.

sd/-
23/02/2015

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

TO

1. THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT

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

SR : 27.02.2015 : 2P/3C

ORDER
IN
CRL OP(MD) No.8416 of 2014
Date :23/02/2015

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