



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

Thursday, the Twenty Second day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.547 of 2015

WEB COPY

1 M.I.THUPHAL AHAMED

2 I.SAHILA BEGUM

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

STATE REP BY THE INSPECTOR OF POLICE

ANTI LAND GRABBING WING, CONTONMENT,

TRICHY CITY. CR. NO.2/2015. ... RESPONDENT/COMPLAINANT

A.ABDUL HAKEEM

... INTERVENER/DEFACTO COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

For Intervener : MR.K.M.KARUNAKARAN Advocate

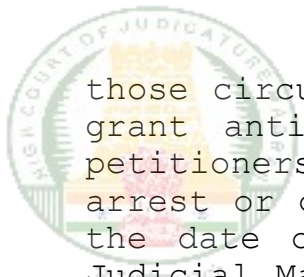
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 420, 447, 465, 468, 471 and 506(ii) IPC in Crime No.2 of 2015 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners, learned counsel appearing for the intervener and the learned Government Advocate (Crl. Side) appearing for the State.

3.It is seen that these petitioners herein purchased the subject property from Thameesudeen (A.1) on 28.02.2008. According to the de facto complainant, the property does not belong to Thameesudeen and he has created some bogus documents as if he is the owner of the property. On the contrary, it is the assertion of the petitioners that the property belongs to Thamsudeen, since he has obtained possession through Court by filing execution proceedings. While so, the de facto complainant has purchased the property on 15.03.2012 from one Natesan Chettiar. According to the de facto complainant, Natesan Chettiar is the rightful owner of the property and Thameesudeen (A.1) is not the owner of the property. As far as these petitioners are concerned, they have purchased the property even prior to the purchase of the property by the de facto complainant. Therefore, the de facto complainant cannot plead that he was not aware of that and the encumbrance certificate of the property will disclose the purchase by these petitioners. Under



those circumstances, I am of the opinion that this is a fit case to grant anticipatory bail to these petitioners. 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 learned Judicial Magistrate No.II, Trichy on condition that the petitioners shall execute a separate 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 first petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report 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 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 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]**.

sd/-
22/01/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE, ANTI LAND GRABBING WING, CONTONMENT, TRICHY CITY.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU, Advocate SR.No.2944
+1cc to Mr.K.M.KARUNAKARAN, Advocate Sr.No.2909
AA/28.01.2015/2p-7c/

ORDER
IN
CRL OP(MD) No.547 of 2015
Date :22/01/2015