



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) Nos.10294 & 10898 of 2016

M.K.M.MOHAMMED SAFFI ...PETITIONER/ACCUSED NO.1
in CrI.O.P(MD)No.10294 of 2016

AYISHA THOWLATH ...PETITIONER/ACCUSED NO.2
in CrI.O.P(MD)No.10898 of 2016

Vs.

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT 627 002.
CR NO. 17/2016 RESPECTIVELY.

...RESPONDENT/COMPLAINANT
IN BOTH CRL.OP's.

- 1 C.KRISHNAN
- 2 LAKSHMI KRISHNAN
- 3 K.RAMAMOORTHY
- 4 A.ARUMUGAM
- 5 A.NOWSATH
- 6 S.IBRAHIM AMMAL
- 7 N.RAJESH NARAYANAN
- 8 M.INDRA
- 9 IRFANA
- 10 D.SUNDARAVALLI

...INTERVENORS/PETITIONERS
IN CRL.MP(MD).No.6390/2016
IN CRL.OP(MD)No.10294/2016

For Petitioner : M/S S.HAJAMOHAIDEEN GISTHI Advocate
IN BOTH CRL.OP's.

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (CrI. Side)
IN BOTH CRL.OP's.

For Intervenor : MR.S.SATHISHRAJAN, Advocate
in CrI.MP(MD).No.6390/2016
in CrI.OP(MD)No.10294/2016

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 506(ii) and r/w. 120B IPC, in Crime No.17 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.



2.The case of the prosecution is that without having any title and without disclosing the fact that the property in question belongs to Sankaranarayana Swamy 11th day Aadi Thapasu Mandagapadi Utsavam Fund now known as Kuttalammal Religious and Charitable Trust, the petitioner and other accused sold the property in question to various third parties. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioners/A.1 and A.2 purchased larger extent of land by four sale deeds dated 30.06.2006, 28.07.2006, 31.08.2006 and 31.08.2006 for valuable consideration. The petitioners formed lay-out after obtaining permission from the concerned authorities. They are the Managing Director of Shifa Housing Private Limited. They sold 125 plots in the year 2007 to third parties. While so, the Sankaranarayana Swamy 11th day Aadi Thapasu Mandagapadi Utsavam Fund now known as Kuttalammal Religious and Charitable Trust filed a suit in O.S.No.117 of 2010 on the file of the First Additional District Court, Tirunelveli for the reliefs of declaration, recovery of possession and also for mandatory injunction and the said suit was decreed, against which, the petitioners have filed A.S.No.84 of 2016 on the file of this Court. Likewise, the Assistant Commissioner of Sankarankovil Arulmigu Sankaranarayanasaamy Thirukovil, filed a suit in O.S.No.85 of 2011 before the First Additional District Court, Tirunelveli for the reliefs of declaration, permanent and mandatory injunctions, wherein the said Trust has been shown as first respondent and the suit is also decreed in favour of the Trust, against which, the petitioners have filed A.S.No.85 of 2016 on the file of this Court and vide order dated 09.06.2016 made in C.M.P(MD) Nos.5441 and 5442 of 2016 in A.S(MD)Nos.84 and 85 of 2016, a Division Bench of this Court granted an order of status quo and the said appeals are pending.

4.The learned counsel for the petitioners submitted that already the first appeal filed by the petitioners and other purchasers are pending and it was posted on 19.08.2016.

5.The learned counsel for the Intervenor reiterated the averments made in the complaint and prayed for dismissal of the petition.

6.The learned Government Advocate (Criminal Side) submitted that the investigation is pending.

7.Considering the facts and circumstances of the case and also considering the fact that already the petitioners filed CrI.O.P(MD) No.15265 of 2016 before this Court to quash the First Information Report and this Court by an order dated 22.08.2016 stayed in respect of filing of charge-sheet alone, interim anticipatory bail granted to the petitioners on 28.06.2016 and 04.07.2016 are made absolute



and the petitioners shall appear before the respondent Police as and when required for interrogation.

sd/-

22/08/2016

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE SPECIAL JUDICIAL MAGISTRATE
/SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI
- 2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT 627 002.
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2.CC to M/S S.HAJAMOHAIDEEN GISTHI Advocate SR.No.46348 & 46349

ORDER IN

CRL OP(MD) Nos.10294 & 10898 of 2016

Date :22/08/2016

PBK/SK-SKN/SAR-I 24/08/2016 ::3P-6C::