



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

Thursday, the Thirtieth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10335 of 2016

PRINCE FORGEO

..PETITIONER/ACCUSED No.7

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

ANTI LAND GRABBING SPECIAL CELL/DCB,

KANYAKUMARI DISTRICT.

(CR.NO. 5/2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S R.MANIMARAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A7, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 420, 465, 468 and 471 of IPC, in Crime No.5 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant is the owner of the property, measuring an extent of 16.5 cents, in Old Survey No.1230, New Survey No.234/8 of Nallur Village. The said property was purchased by the *de-facto* complainant from one Thankayyan, vide Document No.451/1996 through Marthandam Sub-Registrar Office and he is in possession and enjoyment of the property. A1 and A2 conspired with A3 - Muthupillai, without having any title, sold 8.5 cents out of 16.5 cents to A3, vide Document No.547/2009. Subsequently, A3 colluded with petitioner / Prince Porgeo - A7, created a document for the said 8.5 cents as Document No.573/2015 and trespassed into the property belonging to the *de-facto* complainant. A11 purchased 7.782 cents in New Survey No.234/8 of Nallur Village, vide Document No.510/2015, dated 06.07.2005, from one V.Melsi, W/o.Thankappan, Arul Rajkumar, S/o.Thankappan, Arul Jeyakumar, S/o.Thankappan, A8 to A10 and trespassed into property on 11.11.2015 and also threatened the *de-facto* complainant with dire consequences. Hence, a case has been registered for the offences stated above.

3. The case of the petitioner is that he is an innocent person and he has not committed any offence as alleged by the prosecution.



The petitioner is the *bona fide* purchaser. He purchased the property from one Muthupillai. He further contended that he has not committed any offence as alleged in the First Information Report and it is a civil dispute and the co-accused in this case was granted anticipatory bail by this Court in Crl.O.P(MD).No.6738 of 2016, dated 03.06.2016.

4. The learned Government Advocate (Criminal side) submitted that on receiving the complaint, the case has been registered and investigation is going on.

5. The allegation against the petitioner and other accused persons is that the defacto complainant purchased the property in question from one Thankayyan in the year 1996. After the death of the said Thankayyan, the wife and daughter of the said Thankayyan sold the property to one Muthupillai, in the year 2009. The petitioner purchased the property from Muthupillai in the year 2015 and committed the offence. Further, the co-accused has already been granted anticipatory bail by this Court in Crl.O.P(MD).No.6738 of 2016, dated 03.06.2016, the custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. From the above facts, it is seen that the transactions took place from the year 2009 and the complaint is given only in the year 2015 and that all the transactions are evidenced by documents, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judicial Magistrate (Special Court for land grabbing cases, Tirunelveli) and on condition that 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 petitioner shall report before the respondent police as and when required for interrogation.

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

[c] the petitioner 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 petitioner 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/-

30/06/2016



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Sub-Assistant Registrar (C.S.)

1 THE SPECIAL JUDICIAL MAGISTRATE
(SPECIAL COURT FOR LAND GRABBING CASES), TIRUNELVELI.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

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

+1. CC to M/S R.MANIMARAN Advocate SR.No.34197

ORDER IN
CRL OP(MD) No.10335 of 2016
Date :30/06/2016

PBK/NGM-MP/SAR-III 13/07/2016 ::3P-6C::