



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

Tuesday, the Second day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI
CRL OP(MD) No.12872 of 2016

1 DINESH PATEL
2 ROBIN GEORGE

... PETITIONERS/ACCUSED no. 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL)
TUTICORIN DISTRICT.
CRIME NO.32 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.J.KARTHICK Advocate

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

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

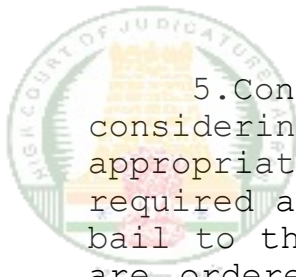
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 465, 468, 471 and 420 IPC, in Crime No.32 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A.3 to A.8 by fabricating the documents, sold the property belonging to the de facto complainant to A.1 and A.2. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. On coming to know that the vendor of the petitioners is not having any title over the property in question, they sent notice to the de facto complainant and their vendor and the petitioners also filed a civil suit in O.S.No.396 of 2015 on the file of the Principal District Court, Thoothukudi, praying to declare that the sale deed dated 19.07.2015, executed by the vendor of the petitioners, as null and void and the de facto complainant and their vendor also filed written statements in the suit and the said suit is pending.

4.The learned Government Advocate (Criminal side) submitted that A.3 to A.8 by fabricating the documents, sold the property belonging to the de facto complainant to the petitioners and investigation is pending.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioners filed a civil suit before appropriate forum, custodial interrogation of the petitioners is not required and therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.I, (Special Court for Land Grabbing Cases), Thoothukudi, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
02/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
(SPECIAL COURT FOR LAND GRABBING CASES), THOOTHUKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, (ANTI LAND GRABBING SPECIAL CELL)
TUTICORIN DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.J.KARTHICK Advocate SR.No.41419