



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.14595 of 2016

1 A. SESURAJ
2 LOURDHU MARY

... PETITIONERS/ ACCUSED 2&15

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,DINDIGUL.
(CRIME NO. 55 OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SARVABHAUMAN ASSOCIATES 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 petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 406,465,468,471,341,294(b) and 506(ii) of IPC in Crime No.55 of 2015, seek anticipatory bail.

2. The case of the prosecution is that the father of the defacto complainant is owner of the lands and 16 Cents of land in S.No.165/6, Panjamapatti Vilage, 17 ½ cents of land in S.No.448/1A of Pillaiyarnatham Village and 1 ½ cents of land and in S.No.447 / 2C of Pillaiyarnatham Village. While so, one Amburose sold 16 cents of land in S.No.165/6 and 6 ½ cents in S.No.448/1A to one Augustine. On coming to know this on 17.06.2014, the defacto complainant along with his younger brother's son went to the land and enquired the same and at that time, the petitioners threatened the defacto complainant with Aruval and put up fencing on the property belonged to the defacto complainant. On complaint, case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are husband and wife. Originally 47 Cents in S.Nos. 448/1C2A belonged to one Rayappan. After his death his son viz., Anthonymuthu, Chinnappan and Innasi inherited the same. They partitioned the



larger extent and they were in possession and enjoyment of the property measuring an extent of 15.5 cents each. The defacto complainant's father purchased on 29.05.1967, from one of the son viz., Chinnappan. After the death of the father of the defacto complainant, the defacto complainant and his two brothers are enjoying the property jointly without any partition. As far as the property in question is concerned it was inherited by one Amburose, S/o. Innasi. He sold 15.5 cents in S.No.448/1 C to first petitioner's father Augustine, by the deed of sale dated 22.06.1991. After death of the first petitioner's father the petitioners a partition was effected among the legal heirs. The property in question was allotted to the share of the first petitioner. From that date they are in possession and enjoyment of the same and no such incident was occurred on 17.06.2014 as alleged by the defacto complainant and they did not threaten the defacto complainant and his younger brother.

4. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the first petitioner is shown as third defendant in the suit and A1 is already died A3 to A8 granted anticipatory bail by the Sessions Court and prays for granting anticipatory bail in favour the petitioners. He further contended that the defacto complainant also filed O.S.No.329 of 2013 on the file of District Munsif Court, Dindigul for declaration and permanent injunction and mandatory injunction.

5. Heard the learned Government Advocate (Crl. Side).

6. Considering the nature of allegations made against the petitioners and the contention of the learned counsel for the petitioners that the suit in O.S.No.329 of 2013 filed by the defacto complainant against the first petitioner and others is pending, the custodial interrogation of the petitioners is not required. Hence, I am inclined to grant anticipatory bail to the 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 Special Court, Anti Land Grabbing Cases, Madurai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the first shall appear before the respondent Police daily at 10.00 am until further orders 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].

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 condition or not.

sd/-
17/08/2016

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

TO

1 THE SPECIAL JUDGE
THE SPECIAL COURT, ANTI LAND GRABBING CASES, MADURAI

2 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH, DINDIGUL.

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

+1. CC to M/S.SARVABHAUMAN ASSOCIATES Advocate SR.No.45197

ORDER
IN
CRL OP(MD) No.14595 of 2016
Date :17/08/2016

trp
SH/CK/SAR-I:26.08.2016:3P/5C