



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

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.6547 of 2016

AMALA RANI

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL
RAMANATHAPURAM
CR. NO.7 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.UTHAYAKUMAR Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

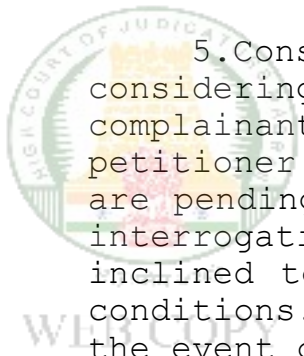
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 423, 465, 468, 471 r/w 120(b) of IPC, in Crime No.7 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased the property in the year 2006 and the petitioner fabricated the document in the year 2012. On complaint, the case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner purchased the property from one Sundaravel, S/o.Chidambaranadar on 20.09.2006 and she is in possession and enjoyment of the property. She has filed O.S.No.196 of 2015 on the file of the District Munsif Court, Ramanathapuram and the same is pending. The petitioner is an innocent and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) submitted that patta proceedings are pending between the defacto complainant and the petitioner before the Revenue Divisional Officer. Investigation is pending.



5.Considering the facts and circumstances of the case and also considering the fact that both the petitioner and the defacto complainant are claiming very same property by sale deed, the petitioner filed a suit in O.S.No.196 of 2014 and patta proceedings are pending before the Revenue Divisional Officer and the custodial interrogation of the petitioner is not necessary, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Anti Land Grabbing Cell, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
23/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE SPECIAL JUDGE FOR ANTI LAND GRABBING CELL, RAMANATHAPURAM
2 THE INSPECTOR OF POLICE, ANTI LAND GRABBING CELL, RAMANATHAPURAM
3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.UTHAYAKUMAR Advocate SR.No.32388
am

JM/AAL-MPA/SAR-III/28.06.2016/2P-5C

ORDER
IN

CRL OP(MD) No.6547 of 2016
Date :23/06/2016