



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

Thursday, the Fourteenth day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.9907 of 2016

WEB COPY

1 RAMALINGAM
2 PETCHIMUTHU

... PETITIONERS/2nd & 3rd ACCUSED

Vs

THE STATE REP. BY ITS,
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
TUTICORIN, CR NO. 45/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.R.DURAI RAJ 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 :-

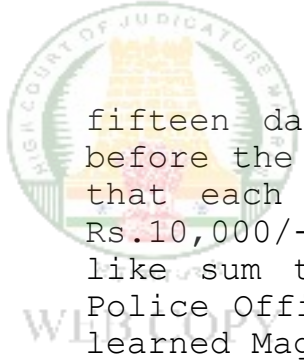
The petitioners, who are arrayed as Accused Nos.2 and 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 and 506(ii) IPC, in Crime No.45 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is the owner of the property in question. The petitioners without having any title, created forged document and sold the property. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The property in question is originally belonged to the father-in-law of the first petitioner and the petitioners are in possession and enjoyment of the same, by paying statutory tax to the Government. The de facto complainant is claiming title over the same through a sale deed dated 30.11.1981 and in the said sale deed, the property in question was not sold to the parents of the de facto complainant. Only with an intention to grab the property belonging to the petitioners, the de facto complainant has given a false complaint. The learned counsel for the petitioners also produced a copy of the sale deed dated 30.11.1981.

4.Heard the learned Government Advocate (Criminal side).

5.Considering the facts and circumstances of the case and also considering the fact that the transaction is evidenced by document and both the petitioners and de facto complainant are claiming title over the property by settlement deed and sale deed, 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, Tuticorin, 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/-

14/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE-I, TUTICORIN
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, TUTICORIN,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.S.JEYAKARTHIK, Advocate SR.No.36519

ORDER IN

CRL OP(MD) No.9907 of 2016

Date :14/07/2016

smn