



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

Monday, the Twenty Eighth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10751 of 2017

1 T. MUTHUVIJAYAN

... PETITIONER / ACCUSED NO.10

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (LAND GRABBING),
THIRUNELVELI,
CR NO. 08/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 423, 465, 468, 471 & 120(b) of IPC in Crime No.8 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that a property in question belong to one Sheik Kansoor, who is the brother of one Meeran Mohideen and said property was partitioned in the year 1928 and the said Sheik Kansoor had sole his share of 8 acres and 44 cents to one Hariharan, who in-turn sold the same to the de facto complainant. A1 to A8 created documents in respect of the said property and executed a power of attorney in favour of one Rajesh who in-turn sold the property to the petitioner for a valuable consideration of Rs.4,75,000/-

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the property was belong to one Meeran Mohideen and A1 to A8 were the legal heirs of said Meeran Mohideen and after the demise of the said Meeran Mohideen A1 to A8 executed a power of attorney in favour of A9 who in turn executed a sale deed in favour of petitioner for a valuable consideration, hence, this petitioner is the bona fide purchaser.

4.The learned counsel for the petitioner further submitted that the petitioner filed a suit in O.S.No.99 of 2017 for declaration against the de facto complainant and A1 to A8 and it is pending. He further submitted that petitioner is a practising advocate.



5.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 10 accused in this case and the petitioner herein is arrayed as A10. He further submitted that the remaining accused are still absconding and investigation is still pending.

6.Considering the facts and circumstances of the case and also taking note of the fact that a civil suit is pending between the parties, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate (Land Grabbing), Thirunelveli 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 weekly once on every Saturday until further orders.

[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 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).

sd/-
28/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE (LAND GRABBING), THIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (LAND GRABBING), THIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.29376

ORDER IN
CRL OP(MD) No.10751 of 2017
Date :28/08/2017