



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

Tuesday, the Twenty First day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14694 of 2017

1 SHAKILA
2 SAYED ALI

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, (LAND GRABBING),
TRICHY DISTRICT.
CRIME NO.NOT KNOWN/2017

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.A.EBENEZER Advocate

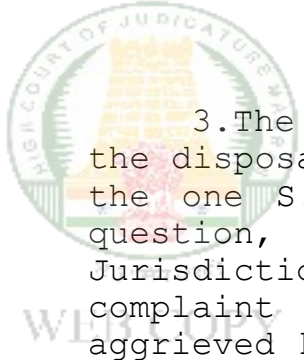
For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 406, 465, 467 and 506(ii) of I.P.C., in Crime No. Not Known of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased the property from the petitioner as if the petitioner is the owner of the property. However, later, he came to know that the petitioner is not the owner of the property and he sold the property situated at TS.No.42 in ward no.6, kasap kadai street, Trichy. Further, the survey number relating to TS.No.35 already purchased by one A.Chandrakanth, and he filed a writ petition before this Court in W.P.(MD)No.18191 of 2017 and this Court granted interim order not to release the sale deed and the said writ petition is pending. Since there is a civil dispute involved in this case and a case is pending before this Court, wherein the defacto complainant's father and the petitioner arrayed as a party in the said case, thereby the law enforcing agency registered a case against the petitioners. The petitioners forged the legal heir certificate as if the legal heir of one Abdul Azeem and sold the property to the defacto complainant, thereby the defacto complainant filed a complaint before the respondent police.



3.The learned counsel for the petitioners submitted that till the disposal of the writ petition as well as the civil suit filed by the one S.Syed Yacoob relates to the very same property is in question, the police has no right to interfere with the Civil Jurisdiction. However, the respondent police registered a false complaint against the petitioners. If the defacto complainant is aggrieved by the petitioner's sale deed, the remedy is open to the defacto complainant to approach the civil Court. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.side) appearing for the State fairly admitted that there was a civil dispute in between the defacto complainant and other parties which is pending before this Court and also they filed a suit for the very same property.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side) this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 learned Judicial Magistrate No.I, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 as and when required;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall not commit any offence while on bail;
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

21/11/2017

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.I,
TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, (LAND GRABBING),
TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to MR.T.A.EBENEZER Advocate SR.No.34813

JAM/04.12.17/CM-VR/SAR 2 3P-6C

ORDER

IN

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Date :21/11/2017