



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16657 of 2017

1 S.VIJAYA
2 S.ETHILYAMMAL
3 S.POTHUMANI
4 S.ALAGARSAMY
5 M.KASIMAYAN
6 V.SELVI

... PETITIONERS/ ACCUSED NO.1 TO 3,
A5, A7 AND A8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL),
THENI DISTRICT.
CRIME NO. 21/2015.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.T.THIRUMURUGAN, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.1 to 3, 5, 7 & 8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 465, 468, 471, 420, 506(i) IPC, in Crime No.21 of 2015, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave a complaint before the Law Enforcing Agency stating that he has purchased the property, which originally belongs to the petitioners' grant-father. The defacto complainant purchased the property from different persons and the petitioners taking advantage of his father's name appeared in the joint patta, disturbed the defacto complainant, therefore, the defacto complainant gave a complaint in the year 2013. However, the parties were directed by the Law Enforcing Agency to workout their remedy before the Civil Court. In fact the original suit was already filed, which was ended in favour of the petitioner. Subsequently, the second appeal was filed and the same is pending before the Principle Seat of this Court. At this stage, a complaint was filed in Cr.No.21 of 2015 as per the



direction of this Court in CrI.O.P.No.4799 of 2015, dated 25.05.2015. Hence, the present application.

3.The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution. In fact the property originally belongs to the petitioners' grant-father. Subsequently, the petitioners' father acquired the property and his name was entered in the patta. However, the very same dispute is pending before the Principal Seat of this Court. In the meanwhile, the defacto complainant gave a complaint against the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the State would submit that there is a civil dispute involved in this case.

5. Considering the facts and circumstances of the case and also considering the fact that since the nature of the complaint relates to civil dispute, I am 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, Theni, 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 investigation officer, as and when required for interrogation ;

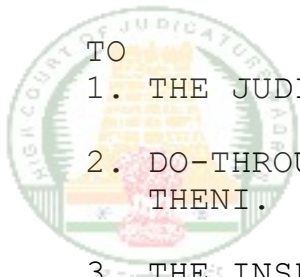
(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not commit any offence while on bail;

(iv) 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/-
11/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, THENI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL), THENI DISTRICT.

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

+1. CC to M/S.T.THIRUMURUGAN Advocate SR.No.35994

ORDER

IN

CRL OP(MD) No.16657 of 2017

Date :11/12/2017

MS/CM-VR/SAR.1/15.12.2017/3P.6C