



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

Tuesday, the Twenty First day of February Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.1847 of 2017

1 LAKSHMI
2 SURESH
3 NAGENDRAN

... PETITIONERS/ACCUSED NO.1 TO 3

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SECTION),
THENI DISTRICT.
CRIME NO.6 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.B.JEYAKUMAR Advocate

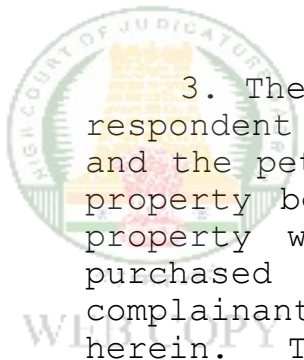
For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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 alleged offence punishable under Sections 465, 468, 471, 420, 147, 447, 294(b) and 506(i) of IPC., in Crime No.6 of 2017, seek anticipatory bail.

2. The learned counsel appearing for the petitioners states that A1 has purchased the property in the year 1990 from A4 and she is in possession of the property and thereafter, by way of settlement deed executed in favour of her son/A3 in this case and he has filed a Suit in O.S.No.129 of 2011, before the District Munsif Court, Andipatti and the same is still pending. The above suit was filed by A3, since his possession and enjoyment of the property was disturbed by the defacto complainant, seeking the relief of permanent injunction against them. The earlier complaint given by the defacto complainant was closed, since it relates to civil in nature by the respondent Police and thereafter, as per the direction of the learned Special Judicial Magistrate, Anti-Land Grabbing Cases, Theni, under Section 156(3) of Cr.P.,C., the present complaint has been registered.



3. The learned Government Advocate (crl.side) appearing for the respondent states that totally there are five accused in this case and the petitioners herein are A1 to A3 respectively. The disputed property belongs to Kuppammal and others and thereafter, the said property was purchased by one Muthusamy Moobanar, who in turn, purchased by Karuppyiammal, who is the mother of the defacto complainant, who settled the property to the defacto complainant herein. The first respondent had purchased the disputed property from A4, on the basis of patta and thereafter, A1 has settled the property in favour of his son A3 in this case. A2 and A3 have made a threat against the defacto complainant. The patta was cancelled in respect of the property before the RDO and thereafter a Revision filed by A3 in this case was also dismissed stating that O.S.No.129 of 2011 is pending in respect of the disputed property. He would further submit that investigation is still pending.

4. Considering the above facts and circumstances of the case and also considering the facts that the offence involved in this case is based on records and civil suit is also pending in respect of the disputed property and the Revision was dismissed in view of the pendency of the civil suit, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Special Court for Anti Land Grabbing Cases, Theni, Theni District, on condition that each 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 2 and 3 shall report before the respondent police daily at 6.00 p.m., until further orders and the 1st petitioner shall report before the respondent Police once in a week i.e., on every Sunday at 10.30 a.m., until further orders, for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
21/02/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR ANTI LAND GRABBING CASES,
THENI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.

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

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

+1. CC to M/S.B.JEYAKUMAR Advocate SR.No.9399

MPK

CSL/PM-PN/SAR-II/22.02.2017 : 3P/6C

ORDER

IN

CRL OP(MD) No.1847 of 2017

Date :21/02/2017