



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

Monday, the Nineteenth day of June Two Thousand Seventeen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.5291 of 2017

WEB COPY

1 REEMA BEGAM

2 PARAKATH NISHA BEGAM

... PETITIONERS/ACCUSED NO.1 & 2

Vs

THE STATE REP.BY ITS,

THE INSPECTOR OF POLICE,

DISTRICT CRIME BRANCH (LAND GRABBING SPECIAL CELL),

THANJAVUR DISTRICT.

CRIME NO.05/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI, Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

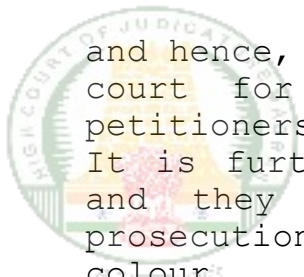
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2 in Crime No.05 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 465, 468, 471 and 420 of IPC and hence, seek anticipatory bail.

2.The de-facto complainant has lodged a complaint before the respondent police stating that the property comprised in Survey Nos.96/1 and 96/2 to an extent of 2 acres and 23 cents, situated in Vilantha Kandan Village, Kumbakonam Taluk, Tanjore District, belonged to her, but the petitioners without her knowledge, mutated the revenue records in their favour and the 1st petitioner had also executed a gift deed in favour of the 2nd petitioner.

3.The learned counsel for the petitioners would submit that the 1st petitioner is the mother of the 2nd petitioner and the alleged property is the joint family property of the petitioner's husband Mohammed Ghouse and after his demise, his share was inherited in favour of the petitioners and in this regard, a suit in O.S.No.341 of 2011 filed by the de-facto complainant is pending on the file of the District Munsif Court, Kumbakonam.

4.It is further submitted that the de-facto complainant filed a writ petition in W.P(MD)No.15138 of 2015 before this court and in that writ petition, this court has passed an order on 20.09.2016 directing the District Registrar, Thanjavur District, to complete the enquiry and pass suitable orders on merits and that when the possession of the above mentioned property was in the custody of the petitioners, the de-facto complainant has erected the name board of one advocate and she resorted criminal acts against the petitioners



and hence, the petitioners filed W.P.(MD)No.2424 of 2017 before this court for removing the name board of the advocate from the petitioners property and the same is still pending for adjudication. It is further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and that the civil dispute has been given as criminal colour.

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5.Heard the learned Additional Public Prosecutor appearing for the respondent/Police.

6.Considering the facts and circumstances of the case and also considering the fact that the matter is purely civil in nature, 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 before the learned Judicial Magistrate, Kumbakonam and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

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

sd/-
19/06/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

+1. CC to M/S.M.KARUNANITHI, Advocate SR.No.24494

ORDER

IN

CRL OP(MD) No.5291 of 2017

Date :19/06/2017