

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18317 and 18097 of 2018

TAMILSELVI

[PETITIONER / ACCUSED
in Crl op. No.18317/2018]

VAIRAMANI

[PETITIONER / ACCUSED
in Crl.op. No.18097/2018]

Vs

THE STATE REP BY
THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
LAND GRABBING CELL),
COIMBATORE POLICE STATION,
COIMBATORE. CR.NO.15 OF 2017.

[RESPONDENT
in Crl op. No.18317/2018]

THE INSPECTOR OF POLICE,
DCB, (LAND GRABBING CELL),
COIMBATORE DISTRICT.
CR.NO.15 OF 2017.

[RESPONDENT
in Crl op. No.18097/2018]

For Petitioner : M/S.V.PAVEL Advocate IN CRL OP NO.18317/2018

For Petitioner : M/S.A.MOHAMED ISMAIL Advocate
IN CRL OP NO.18097/2018

For Respondent : M/S M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.15 of 2017 registered by the respondent police for the offence punishable under Sections 120B, 406, 420, 468 and 471 of IPC.

2. The case of the prosecution as per the defacto complainant one Rajalakshmi is that the petitioners, by fraud, made the defacto complainant to execute two sale deeds registered vide documents nos.10625/2012 and 10626/2012 and thereby, transferred her property

measuring 16 ½ cents in their favour without paying sale consideration. The further allegation is that when the defacto complainant had demanded the Sale Consideration, the petitioners had agreed to construct a house for her in 3 cents towards the consideration, whereas, they have constructed partly and thereafter, cheated her. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have purchased the property registered as documents Nos.10625/2012 and 10626/2012 and that the entire sale consideration has been paid at the time of registration, whereas, a false complaint has been registered based on the complaint from the defacto complainant. He would submit that a case of civil dispute between the parties have been attempted to be converted as a criminal offence.

4. The learned Additional Public Prosecutor appearing for the State would submit that the case of the prosecution is that the petitioners, by fraud, made the defacto complainant, register her property measuring 16 ½ cents in favour of the petitioners and thereafter, refused to pay the sale consideration. He would further submit that the further allegation is that the petitioners agreed to construct the house for the defacto complainant and thereafter, failed to construct the house for the defacto complainant.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Special Judicial Magistrate (Land Grabbing cases), Coimbatore, on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter, as and when required.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners 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 as if the conditions have been imposed and the petitioners 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
31/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDICIAL MAGISTRATE
(LAND GRABBING CASES), COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (LAND GRABBING CELL),
COIMBATORE POLICE STATION,
COIMBATORE

5.THE INSPECTOR OF POLICE,
DCB, (LAND GRABBING CELL)
COIMBATORE DISTRICT

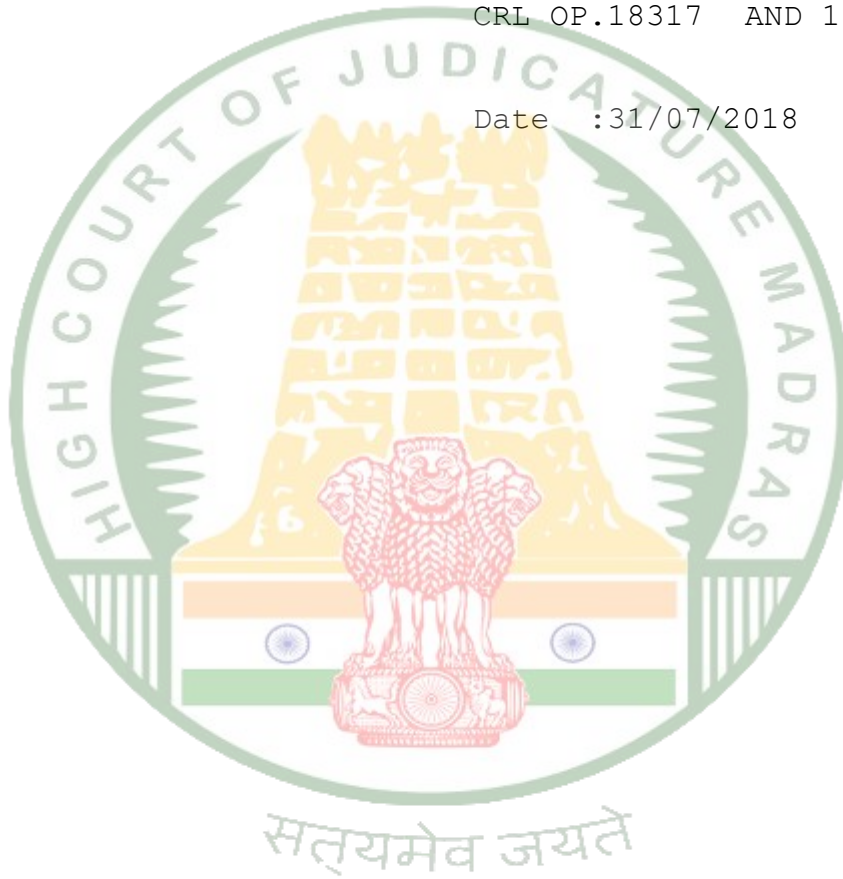
+1CC to M/S.V.PAVEL Advocate on payment of necessary charges
SR.NO. 14251

+1CC to M/S.A.MOHAMED ISMAIL Advocate on payment of necessary
charges SR.NO. 14270

CRL OP.18317 AND 18097/2018

Date :31/07/2018

cm 07/08/2018



WEB COPY