



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

Tuesday, the Twentieth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2671 of 2018

1 RAMASAMY GOUNDER
2 R.SIVAGIRIPALANISAMY

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL),
DINDIGUL
IN CR.NO.2/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.KARTHIK Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

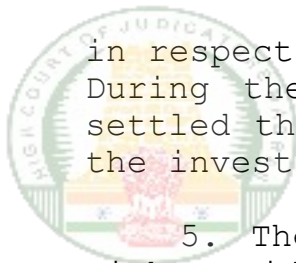
ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468 and 471 of IPC., in Crime No.2 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his family members are having possession and enjoyment of the land comprised in Survey No.54/5, 54/6 situated at Sinthalavadampatti Village, Dindigul District. That being so, on 15.04.2014, the first petitioner has created joint Patta and executed Gift Deed in favour of the second petitioner. Further, the first petitioner is not having any right to the land, created a forged Patta. Hence, the case has been registered for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the father of A1 and the father of the defacto complainant are brothers. He further submitted that



in respect of the very same property, Patta proceedings are pending. During the pendency of the Patta proceedings, the first accused settled the property in favour of A2. According to the prosecution, the investigation is still pending.

5. The submissions made by the learned counsel appearing for either side are considered. Admittedly, the father of the first accused and the father of the defacto complainant are brothers. As of now, the Patta proceedings are pending with the Revenue Department. It is alleged that during the time of occurrence, the first petitioner/A1 created a false document and registered the property in favour of the second petitioner/A2, for which the case has been registered. Now, the facts and circumstances shows that the evidence necessary for completing investigation in this case are all available in the form of registered documents. So, custodial interrogation may not be necessary for completing the investigation. Hence, 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 Special Judge (Land Grabbing Cases), Madurai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders;

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

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 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]**.

sd/-

20/02/2018

/ TRUE COPY /



TO

1 THE SPECIAL JUDGE,
(LAND GRABBING CASES), MADURAI

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL),
DINDIGUL

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

+1. CC to M/S.S.KARTHIK Advocate SR.No.2733

PJL

JAM/28/02/2018/VR/ SAR 4/ 3P-5C

ORDER

IN

CRL OP (MD) No.2671 of 2018

Date :20/02/2018