



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

Friday, the Twenty Third day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2752 of 2018

1 M.V.MANOKARAN
2 M.V.CHANDRAN
3 M.V.SAKTHIVEL
4 C. MURUGARASI

... PETITIONERS/ACCUSED No.1 & 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(LAND GRABBING SPECIAL CELL)
MADURAI DISTRICT.
(Crime No.04 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.SENTHIL KUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420 and 506(i) of IPC, in Crime No.4 of 2018, seek anticipatory bail.

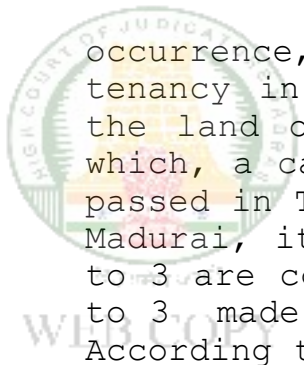
2.The case of the prosecution is that the petitioners are said to have threatened the defacto complainant and also criminally intimidated him stating that they are the cultivating tenants. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation is not yet completed.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of



occurrence, the petitioner Nos. 1 to 3 transferred the right of tenancy in favour of the fourth petitioner, which was agitated by the land owner, who is the *defacto* complainant in this case, for which, a case has been registered. Now, on going through the order passed in TCTP No.7 of 2005, dated 04.04.2016, by the Revenue Court, Madurai, it reveals that the tenancy right of the petitioner Nos. 1 to 3 are confirmed. Further, on 14.03.2014, the petitioner Nos. 1 to 3 made over their tenancy right in favour of fourth petitioner. According to the *defacto* complainant, as per the order passed in W.P (MD).No.8682 of 2017, a cultivating tenant is having the right to make over the tenancy right. Considering the nature of the offence committed by the petitioners, the custodial interrogation of the petitioners may not be necessary for interrogation. Hence, this Court is inclined to grant anticipatory bail to the petitioners with some stringent 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 Special Court for Exclusive Trial of Land Grabbing Cases Madurai, Magistrate level, 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 or 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 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].

sd/-

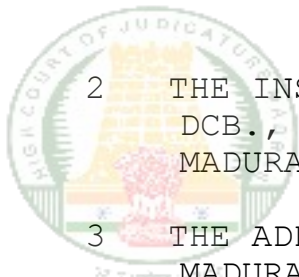
23/02/2018

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

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE
TRIAL OF LAND GRABBING CASES,



2 THE INSPECTOR OF POLICE,
DCB., LAND GRABBING SPECIAL CELL,
MADURAI DISTRICT.

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

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TRP

JAM/CM-VR/SAR 2/02/03/2018 : 3P - 4C

ORDER

IN

CRL OP(MD) No.2752 of 2018

Date :23/02/2018