



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3160 of 2018

1 KATHIJAMMAL
2 SASTHA PANDIYA

... PETITIONERS / ACCUSED A5 & A6

Vs

STATE THROUGH THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
IN CRIME NO. 06/2016

... RESPONDENT / COMPLAINANT

For Petitioners : MR.J.M.HASSANUL BAZARI Advocate

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

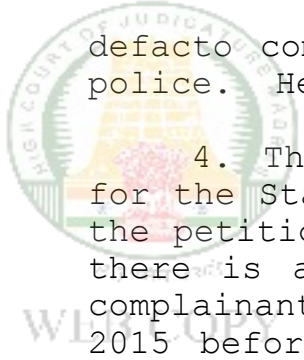
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as A5 and A6, in Crime No.6 of 2016 on the file of the Inspector Police Station, Anti Land Grabbing Cell, Ramanathapuram District. They apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 465, 468, 471, 294(b) and 506(ii) read with 120(b) IPC., they have filed this petition, seeking relief to grant of anticipatory bail.

2. The case of the prosecution is that the petitioners and other accsed persons conspired together, fabricated the documents and transferred patta with regard to the share of the defacto complainant. After came to the knowledge of the de-facto complainant, she questioned the third accused, at that time, the third accused using filthy language and threatened her with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, the case has been registered against the petitioners for the above said offences.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant has very well know about all the sale transactions, she never restrained the enjoyment of subsequent purchasers and due to increase the value of the property, the



defacto complainant lodged a false complaint before the respondent police. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that totally seven accused in this case and the petitioners are arrayed as A5 and A6. He further submitted that there is a civil dispute between the petitioners and the defacto complainant and the defacto complainant filed a suit in O.S.No.72 of 2015 before the learned District Munsif Court, Ramanathapuram for the relief of partition and injunction against 17 persons including the petitioners.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that on 25.09.1976, the first accused in this case has purchased the land in question from the mother of the de-facto complainant. In the year 1996, A1 sold that property in favour of A2 and A3. In turn, A2 and A3 sold the property in favour of Mohamed Shariff to an extent of 72 cents and in favour of some other person who are not arrayed an accused in this case. Now the petitioners herein are being the fifth and sixth accused attested in sale. Subsequent to the purchases made by Mohamed Shariff, a suit has been filed by the de-facto complainant for the relief of partition and far injunction. In the suit, the petitioners are arrayed as eighth and ninth defendants. So, on culminating the entire facts, the evidence to be necessary for investigation in this case are all available in the form of registered documents. In a complaint made by the de-facto complainant there is no averment mentioned with regard to these petitioners. So, considering the facts and circumstances of the case, this Court comes to the conclusion that custodial interrogation may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Ramanathapuram, Ramanathapuram District, 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 make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not commit any offence while



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on bail;
(v) on breach of any of the aforesaid conditions, the 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/-
28/02/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.J.M.HASSANUL BAZARI Advocate SR.No.3228

LS

JAM/15/03/2018/ CM-VR / SAR 2 / 3P-6C

ORDER
IN
CRL OP(MD) No.3160 of 2018
Date :28/02/2018