



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

Wednesday, the Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3487 of 2018

1 S.MOHAMMED SULAIMAN
2 M.BASHEER
3 M.KADARSHA
4 V.KULANDAIVEL

... PETITIONERS/ACCUSED 1to 4

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, ANTI LAND GRABBING
SPECIAL CELL, DINDIGUL,
DINDIGUL DISTRICT
(CRIME NO. 4 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.D.SELVARAJ Advocate

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

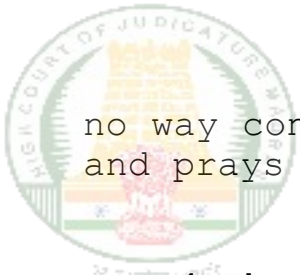
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 120(b), 294(b) and 323 of I.P.C., in Crime No.4 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the brother of the first petitioner and he lodged a complaint against the petitioners that the land situated at Paraliputhur, Natham Taluk, Dindigul District in S.No.299/1A(old S.No.299) measuring about 6 centes was usurped by the petitioners through a forged settlement deed executed by the first petitioner in favour of the second petitioner. 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 investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. Admittedly, the property now under dispute is the ancestral property of the first petitioner herein. On 31.03.1967, a partition was effected between the brothers of the first petitioner with regard to the disputed property. Thereby, some of the properties were purchased from the brothers of the second petitioner and as of now, the Patta for the entire land stands in the name of the defacto complainant. Now, the defacto complainant made allegation that even after knowing the fact that the Patta stands in the name of the defacto complainant, the first petitioner executed a settlement deed in favour of the second petitioner for the property, which is under dispute. So, by way of this case, the defacto complainant claiming title over the property. Further more, whether the petitioners are having the dishonest intention or not, have to be decided only at the time of trial. Moreover, the evidence to be collected for completing the investigation in this case are all in the form of registered documents. Hence, this Court came to the conclusion that custodial interrogation of the petitioners may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, 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 Judicial Magistrate No.II, Dindigul, 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., for a period of three weeks and thereafter, as and when required for interrogation;

(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/-
07/03/2018

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

PJL
TO

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

+1. CC to M/S.D.SELVARAJ Advocate SR.No.53546

GJM/RR/CSL/SAR-2-14.3.18-3P-6C

ORDER
IN
CRL OP(MD) No.3487 of 2018
Date :07/03/2018