



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3574 of 2018

RAMASUBRAMANIAN

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING WING,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
IN CRIME NO.9 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.GOKUL RAJ, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 465, 468, 471, 479, 406 & 420 IPC in Crime No.9 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioner and the de facto complainant, the present complaint is filed.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsels appearing on



either side are considered. It is alleged that during the time of occurrence, A1 in this case has got power of attorney from this petitioner and from his wife for the disputed land, which belongs to the de facto complainant. After knowing the same, the petitioner immediately cancelled the power of attorney executed in favour of A1. So subsequent cancellation shows that the petitioner has no mala fide intention towards the de facto complainant. More over, the learned Government Advocate (Crl.side) fairly conceded that custodial interrogation is not necessary with regard to this petitioner. Further, the petitioner is aged about 75 years and for completing investigation, the evidences are available in the form of written documents.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is 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 Special Court for Land Grabbing Cases, Tirunelveli, on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
19/03/2018

/ TRUE COPY /



1 THE JUDGE,
SPECIAL COURT FOR LAND GRABBING CASES,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING WING,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.S.GOKUL RAJ Advocate SR.No.4361

ORDER
IN
CRL OP(MD) No.3574 of 2018
Date :19/03/2018

PK/PN/SAR-1/03.04.2018 : 3P/5C