



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

Friday, the Thirty First day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.14262 of 2018

ABUSALI AMBALAM

... PETITIONER/ SOLE ACCUSED

Vs

THE STATER REPRESENTED BY
THE INSPECTOR OF POLICE
THIRUPULLANI POLICE STATION,
THIRUPULLANI, RAMANATHAPURAM DISTRICT
CRIME NO.107 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR. H.AJMAL KHAN Senior Counsel,
For Mr.S.PALANI VELAYUTHAM

For Respondent : Mr.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 468 and 471 IPC in Crime No.107 of 2018, seeks anticipatory bail.

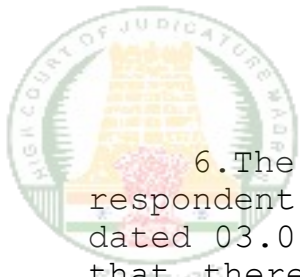
2.The case of the prosecution is that there is a civil dispute between the petitioner and the defacto complainant with regard to the property comprised in Survey No.224/1, 224/2, 224/19 situated at Periyapattinam, Ramanathapuram Circle. For the above said lands, the petitioner applied for patta before the Tahsildar, Ramanathapuram District vide Na.Ka.No.A6-6511/2010 and the same was ended in favour of the defacto complainant on 04.06.2012. Thereafter, it is informed that the petitioner has filed an appeal before the District Revenue Officer, Ramanathapuram District vide B5/28072/2012, in which the District Revenue Officer on 12.06.2012 granted an interim stay of the order passed by the Tahsildar dated 04.06.2012. On a verification, it was found that no interim stay was granted on 12.06.2012 and the copy of the said interim order is a forged one by the petitioner. Hence the complaint.



3. The learned counsel for the petitioner would submit that there is a civil dispute between the petitioner and defacto complainant in respect of the property comprised in Survey No.224/1, 224/2, 224/19 situated at Periyapattinam, Ramanthapuram Circle. In this regard, proceeding was initiated by the petitioner before the Tahsildar, Ramanathapuram District in Na.Ka.No.A6-6511/2010. The Tahsildar dismissed the proceedings initiated by the petitioner herein on 04.06.2012, as against which, the petitioner preferred an appeal before the District Revenue Officer, Ramanathapuram vide proceedings in B5/28072/2012. In that proceedings the District Revenue Officer was pleased to grant an order of stay of the order passed by the Tahsildar. The main appeal is still pending before the District Revenue Officer, Ramanathapuram.

4. Thereafter, on verification, the entire file relating to the alleged interim order passed by the District Revenue Officer was found missing. Thereafter, he found that the entire file has been looted by the defacto complainant from the office of the District Revenue Officer, Ramanathapuram. Therefore, he submitted a detailed representation to the District Collector, Ramanathapuram and the same was duly received by the District Collector Ramanathapuram. Thereafter, the District Collector did not take any action against the defacto complainant. Further, he would submit that he also filed a suit in O.S.No.104 of 2012 on the file of the District Munsif Court, Ramanathapuram as against the defacto complainant in respect of the same property for declaration and interim injunction and it is also pending. In the said suit he had categorically averred that he preferred an appeal before the District Revenue Officer in proceedings No.B5/28072/2012. He has also annexed the interim order granted by the District Revenue Officer dated 12.06.2012 as plaint document. It was also not countenanced by the defacto complainant by way of his written statement in the said suit. Further he would contend that the alleged interim order was passed on 12.06.2012, whereas the present complaint has been lodged after six years. The petitioner is also aged about 72 years.

5. It seems that there is a civil proceedings between the defacto complainant and the petitioner, for which the petitioner preferred an appeal before the District Revenue Officer, in which the District Revenue Officer passed an order of interim stay of the order passed by the Tahsildar on 04.06.2012. Thereafter, the petitioner has filed a suit in O.S.No.104 of 2012 on the file of the District Munsif Court, Ramanathapuram, in which he had also averred about the pendency of the appeal and annexed the alleged interim order granted by the District Revenue Officer as plaint document. It seems that the defacto complainant did not file any written statement to deny the averments. Further, the present complaint has been lodged after a period of six years. Further, the civil suit and the appeal proceedings before the District Revenue Officer are also pending.



6.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that they received a communication dated 03.09.2012 from the District Collector, Ramanathapuram stating that there is no file regarding the alleged interim order dated 12.06.2012 and the question of verifying whether the order of interim stay passed by the District Revenue Officer, Ramanathapuram is a forged one or not does not arise. Therefore, he vehemently opposed grant of anticipatory bail to the petitioner.

7.Considering the facts and circumstances of this case, custodial interrogation is not necessary in this case and 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 before the learned Judicial Magistrate Court No.I, Ramanathapuram, Ramanathapuram District and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
31/08/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
RAMANATHAPURAM.
- 2 -DO- THROU THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT



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3 THE INSPECTOR OF POLICE
THIRUPULLANI POLICE STATION, THIRUPULLANI,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No. 16746

ORDER
IN
CRL OP(MD) No.14262 of 2018
Date :31/08/2018

MSI/RR/SAR-IV/10.09.2018-4P/6C