



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

Friday, the Thirty First day of August Two Thousand Eighteen

PRESENT

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

CRL OP(MD) No.15259 of 2018

1 NAGAR P.ERANIAN @ ERANIAN

2 E.NAVEEN NAGAR

... PETITIONERS/ACCUSED 2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
THENI, THENI DISTRICT.
CR.NO. 34 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioners : MR.C.JEGANATHAN for M/S.VEERA ASSOCIATES Advocate

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 petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 465, 468, 471 IPC in Crime No.34 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the father of the first petitioner had purchased some property and settled the said property in favour of his illegitimate son namely the defacto complainant in the year 1981. When that being so, in the year 1980 the petitioners herein sold out the said property in favour of the first accused without disclosing the settlement deed executed by the father of the first petitioner in favour of the defacto complainant. Thereafter, the first accused settled the said property in favour of his sons, who arraigned as accused Nos.6 to 9. Hence the complaint.

3.The learned counsel for the petitioners would submit that admittedly, the said property was purchased in the year 1981 by the father of the first petitioner and immediately the said property said to have been settled in favour of the illegitimate child of his father. Without the knowledge of the settlement deed, the petitioner



herein sold out the said property to the first accused. It is further submitted that after 27 years, now the present complaint cannot be lodged by the defacto complainant as if it was a forged and fabricated sale deed executed in favour of the first accused.

4. Considering the facts and circumstances of the case and also considering the fact that the complaint has been lodged after 27 years and further immediately after purchase of the same, the first accused had constructed house and living there along with A6 to A9, 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 before the learned Judicial Magistrate (Land Grabbing Special Court) Theni and on their 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 petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

5. The petitioners 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, (LAND GRABBING SPECIAL COURT), THENI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, THENI, THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES, Advocate SR.No.16706

ORDER IN
CRL OP(MD) No.15259 of 2018
Date :31/08/2018