



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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6395 of 2019

1 ABDUL RAZAK
2 MATHEENA BEEVI
3 AYUB KHAN

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.05/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.JEGAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 468, 471, 420 r/w 120 (B) of IPC in Cr.No.5 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the property is owned by the defacto complainant's wife's grant father. Thereafter, the defacto complainant's wife's mother inherited the property. After the death of grant father, the defacto complainant's wife inherited the property through her mother. Since, the petitioner executed the settlement deed to the very same property infavour of his son, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would further submit that the the second petitioner's father purchased the property in 1966. Thereafter, he executed the property to the second petitioner. Thereafter, the second petitioner owned the adjacent land of the defacto complainant on 01.03.2016 and executed



very same to his son namely, Ahamed Bazeer, who is working in abroad. Hence, he prayed for granting anticipatory bail.

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that the dispute is purely civil in nature.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is 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 Special Court for Anti Land Grabbing, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

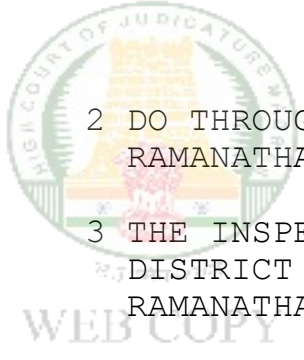
29/04/2019

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

TO

1 THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR ANTI LAND GRABBING,
RAMANATHAPURAM.



2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.K.JEGAN Advocate SR.No.7892

ORDER

IN

CRL OP (MD) No.6395 of 2019

Date :29/04/2019

JM/VR/SAR 1/06.05.2019/3P/6C