



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/01/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.200 of 2020

1. Bazeer Ahamed,
2. Mumthaj,
3. Beer Mydeen,
4. Kowsiyan Beevi,
5. Pathimuthu
6. Mariyam Beevi, ... Petitioners/Accused Nos.1 to 6

Vs

The State rep.by
The Inspector of Police,
Thalaimuthunagar Police Station,
Tuticorin District.
(Crime No.576 of 2017). ... Respondent/Complainant

For Petitioner : Mr. V. Malaiyendran,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

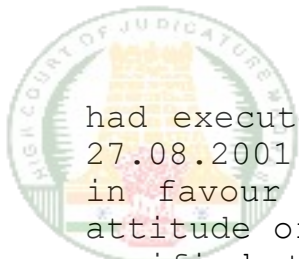
For Anticipatory Bail in Crime No.576 of 2017 on the file of the Resondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 and 468 of I.P.C., in Crime No. 576 of 2017 on the file of the respondent police, seek anticipatory bail.

3. The case of the defacto complainant is that the property in question belonged to one Ibrahim and Basheer Ahmed. Mumtaj was in occupation of the premises in question. Ibrahim and Basheer Ahmed



had executed a Power of Attorney in favour of one Mariya Xavier on 27.08.2001. Based on the same, Mariya Xavier executed a sale deed in favour of the defacto complainant on 30.12.2002. Finding the attitude of Mumtaj otherwise, the defacto complainant claims that he verified the encumbrance certificate. He came to know that on 04.04.2017, Basheer Ahmed had executed a sale deed in favour of Mumtaj conveying his half share in the property. The petitioners 3 to 6 who are children of the Basheer Ahmed had also relinquished their shares in favour of Mumtaj. The petitioners 3 to 6 are not parties to the transaction that were in favour of the defacto complainant. Likewise, Mumtaj is also not a party. Hence I am inclined to grant anticipatory bail. The anticipatory bail in favour of the petitioners 2 to 6.

4.The case of the first petitioner will have to be viewed differently. The first petitioner had executed a power of attorney in favour of Mariya Xavier on 27.08.2001 based on which a sale deed dated 30.12.2002 was executed in favour of the defacto complainant. Since Basheer Ahmed is a party to the earlier document dated 27.08.2001(Document No.188 of 2001) I do not deem it a fit case to grant anticipatory bail to the first petitioner. Therefore, I am not inclined to grant anticipatory bail to the first petitioner and this Criminal Original Petition is dismissed as far as the first petitioner is concerned. Anticipatory Bail is granted to the petitioners 2 to 6.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioners 2 to 6 with certain conditions. Accordingly, petitioners 2 to 6 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Tuticorin, 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 petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioners 2 to 6 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/-
13/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II, TUTICORIN.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
THALAIMUTHUNAGAR POLICE STATION,
TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. V. MALAIYENDRAN Advocate SR.No.907

ORDER
IN
CRL OP(MD) No.200 of 2020
Date :13/01/2020

PNN
AE/SKN/SAR-I (28.01.2020) 3P 6C