



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.2430 of 2020

N.Kadhar Mohideen

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District.
(In Crime No.02/2020)

... Respondent/Complainant

Kamarudeen

... Petitioner/ Intervener

For Petitioner : M/s.K.Safar Badhusa, Advocate.
For Respondent : Mr.A.Robinson, Government Advocate (Crl.Side)
For Intervener : Mr.R.Suriyanarayanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 02/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the learned counsel for the intervener and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 468 and 471 of I.P.C., in Crime No. 02 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that taking advantage of the name similarity, the petitioner had managed to deal with the properties that legitimately belongs to the complainant.



4.The question that arises for consideration now is that whether the petitioner should be arrested on the strength of this accusation. The petitioner had made the alienation way back in the year 2011. The case against the petitioner rests on documentary evidence. Therefore, I am of the view that the custodial interrogation of the petitioner, is not at all warranted.

5. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate cum Special Court for Land Grabbing act cases, Theni, Theni 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 daily at 10.30 a.m., for a period of two weeks from the date of receipt of a copy of this order and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. 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/-
18/02/2020

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE CUM
SPECIAL COURT FOR LAND GRABBING ACT CASES,
THENI, THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SAFAR BADHUSA, Advocate (SR-3478[I] dated 19/02/2020

ORDER
IN
CRL OP(MD) No.2430 of 2020
Date :18/02/2020