



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2020

PRESENT

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

CRL OP(MD) . No.15397 of 2020

1. K.Kother Shah
2. S.Beer Mohammed ... Petitioner's/Accused(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Anti Land Grabbing Wing,
District Crime Branch,
Thoothukudi.
Crime No.5 of 2014. ... Respondent/Complainant

For Petitioners : M/s.Antony S.Prabhakar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.5 of 2014 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.11 and 16, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 465, 471 and 420 of IPC, in Crime No.5 of 2014 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a retired Sub-Inspector of Police and he was in charge and managing two properties belonging to his daughter and his son-in-law in survey Nos.1534 and 1535 in Meelavittan Village. The seventh accused has instigated A1 to A5 to suppress the fact that above said land in Document No.1276 of 1955 which was already sold to one Nathali Thatha Venkatakrishnappa Naicker during 1955 and all accused



persons have conspired together and prepared a false released deed and created a false revenue documents with intention to grab the above said land. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that this Court has granted anticipatory bail to A1 to A7 in Crl.O.P.(MD).Nos.7281 and 6551 of 2014, dated 08.07.2014 and 04.04.2014 and named G.Ganamani Asirvatham, G.Joseph Selvaraj both were granted anticipatory bail by this Court in Crl.O.P.(MD)No.14399 of 2020, on 09.12.2020. Hence, he seeks anticipatory bail.

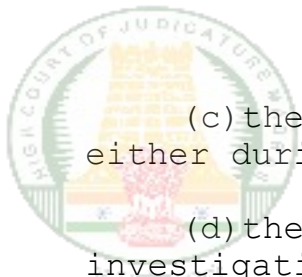
5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that all accused persons have conspired together and prepared a false released deed and created a false revenue documents with intention to grab the defacto complainant's land.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners' name has not mentioned in the FIR and this Court has granted anticipatory bail to A1 to A7 and the crime of the year 2014, therefore, the custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Special Judicial Magistrate, Anti Land Grabbing Court, Thoothukudi, on condition that the petitioners 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 to 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/12/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE SPECIAL JUDICIAL MAGISTRATE,
ANTI LAND GRABBING COURT, THOOTHUKUDI.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ANTI LAND GRABBING WING,
DISTRICT CRIME BRANCH, THOOTHUKUDI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.15397 of 2020
Date :22/12/2020

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<https://hccs.cem.gov.in/Ticse/v2020/2020/12/2020>) 3P / 5C