



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

Date : 08/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.15751 of 2020

1.Raigana Begum

2.Umar Farook@ Umar Farook Abdullah ...Petitioners/Accused Nos.1&2/
Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
Anti Land Grabbing Wing,
Dindigul, Dindigul District.
(Crime No.16/2014).

... Respondent/Complainant/
Complainant

For Petitioners: Mr.Y.Sasikumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in C.C.No.278/2020 on the file of the
Chief Judicial Magistrate Court, Dindigul.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending
arrest at the hands of the respondent police in C.C.No.278 of 2020
on the file of the Chief Judicial Magistrate Court, Dindigul, for
the offences punishable under sections 120(B), 406, 465, 468 and 471
of IPC, seek anticipatory bail.

2.The case of the prosecution is that in the year 2014 the
mother viz., Bhadurnisha lodged a complaint against her daughter/A1
and her grandson viz., A2 alleging that the defacto complainant has
purchased the property in the year 1999 total extent of land 5 acres
29 cents. In the year 2013, A1 has forged one unregistered HIBA @
Gift Deed in favour of him as if the defacto complainant has
executed HIBA in favour of A1. On the very same year, A1 has
executed settlement deed in favour of A2, where the signature of the
defacto complainant was forged by the both the accused. Hence, the
respondent Police has registered a case in Crime No.16 of 2014 and
after completion of investigation, the respondent has registered



abscond charge sheet in C.C.No.278 of 2020 before the learned Chief Judicial Magistrate, Dindigul.

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

4.The learned counsel appearing for the petitioners submitted that the defacto complainant has executed HIBA in favour of A1 on 01.01.2007 with the concurrence of the husband of the defacto complainant. After demise of the defacto complainant's husband, in the year 2013 the defacto complainant has lodged a complaint against the petitioners and filed a civil suit in O.S.No.72 of 2016 before the learned District Munsif, Kodaikanal and it is still pending. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that in the year 2013, A1 has forged one unregistered HIBA @ Gift Deed in favour of him as if the defacto complainant has executed HIBA in favour of A1. On the very same year, A1 has executed settlement deed in favour of A2, where the signature of the defacto complainant was forged by the both the accused. Hence, the crime has been registered.

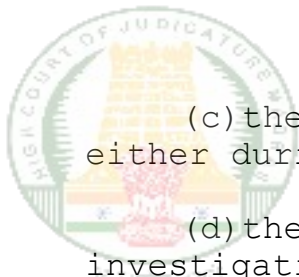
6.On perusal of the materials available on records, it is seen that now the absconding charge sheet has also been filed by the respondent Police in C.C.No.278 of 2020 before the Chief Judicial Magistrate Court, Dindigul, therefore, the petitioner undertakes to appear before the trial Court.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.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 Chief Judicial Magistrate Court, Dindigul, on condition that the petitioners shall execute 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 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 Chief Judicial Magistrate Court, Dindigul, at 10.30 a.m on all future hearing



(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;

WEB COPY (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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
2. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING WING,
DINDIGUL, DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15751 of 2020

Date :08/01/2021

VSG

<https://hcservices.ecourts.gov.in/hcservices/> SPS/IC/SAR-II/20.01.2021/3P/4C