



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12921 of 2022

MOHAMMED AYUB

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
CUDDALORE.
(CRIME NO.26/2022)

[RESPONDENT]

For Petitioner : M/S K.BALU Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 423, 465, 467, 468 of IPC and Section 82(a) of the Registration Act, 1908, in Crime No.26 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is brother of defacto complainant and he is the power agent of one Mohammed Jiavudeen. During the year 1990, the said Mohammed Jiavudeen purchased a property in Survey No.12/1 and new survey No.328 an 327/96 situated at Lapettai village, Kattumannarkoil Taluk, Cuddlore District for valuable consideration vide Doc.No.1732/1990. Thereafter, he left to abroad and handed over the papers to the petitioner enabling him to obtain patta in favour of him. Thereafter, when he returned from abroad, he came to know that the petitioner is alleged to have executed a lease deed in favour of third party by fabrication of documents and subsequently, he is said to have cancelled the lease deed and executed a settlement deed in favour of his son. Thereafter, after getting power of attorney from his son, the petitioner is said to have filed a suit against Mohammed



Jiavudeen. Thereafter, the defacto complainant being his elder brother, and he has to go abroad, he gave power of attorney to the defacto complainant to appear in the suit and to initiate case against the petitioner. In the said circumstances, the criminal case has been registered. Now apprehending arrest, the present petition has been filed by the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that this Court has already granted interim anticipatory bail to the petitioner and he has complied with the conditions regularly. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that this Court has already granted interim anticipatory bail to the petitioner and directed him to appear before the respondent police. Accordingly, the petitioner appeared before the respondent police and cooperated for the investigation.

6. Considering the facts and circumstances of the case, the custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the Special Court for the exclusive trial of Land Grabbing cases, Cuddalore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.



[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

24/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR THE
EXCLUSIVE TRIAL OF LAND GRABBING CASES,
CUDDALORE.

2 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH,
CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S K.BALU Advocate on payment of necessary charges
SR.No.9969

CRL OP.12921/2022

Date :24/06/2022

CSK 29/06/2022