



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date :27.03.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.1221 of 2023

1.Pakkeer Muhamed
2.Habeebunisha
3.Shakilabanu
4.Sharbunisha
5.Hathiya Beevi
6.Kavitha

...Petitioners/Accused Nos 1 to 5
... Petitioner/Accused No.7

Vs

State Represented by
The Inspector of Police,
DCB/ALGSC, Tanjore District.
(Cr.No.35 of 2022)

... Respondent/Complainant

Raja Mohamed Iqbal

...Petitioner/Intervener
in CRL MP(MD)NO. 1466 of 2022

For Petitioners : Mr.M.P.Dhamodaran,Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For Intervenor : Mr.V.Thirumal, Advocate
in CRL MP(MD)NO. 1466 of 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.35 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5 & A7, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 464, 465, 468, 471, 409, 420, 423 & 120-B IPC in Crime
No.35 of 2022, seek anticipatory bail.



2.The case of the prosecution is that the defacto comp. 's father is having agricultural land in Rajagiri village, Thanjavur district. He died on 06.02.2006 leaving behind the defacto complainant, his mother, one brother and one sister as legal heirs. The first petitioner herein was working as accountant to the father of the defacto complainant and he informed that he will take care of all the property. Believing the same, they executed power of attorney in favour of the first petitioner. However, the first petitioner and his family members created forged document as if they are all the legal heirs and on the strength of the same, property in S.No.26/2, 26/4 and 26/5, Rajagiri village was illegally transferred to the name of the first petitioner. Hence the case.

3.Heard both sides and perused the materials available in the record.

4.It is seen that the properties were originally owned by one P.M.Raja Muhammed. After his demise, the petitioners 2 to 5 herein impersonated as the legal heirs of the deceased P.M.Raja Muhammed, had executed sale deed in favour of A1, A1 in turn executed sale deed in favour of A6. While this matter is pending, the matter was referred to mediation for settlement. Though the petitioners agreed to pay the amount in favour of the defacto complainant, subsequently, they failed to pay the amount. Further, it is also relevant that A7, who is the sixth petitioner herein, is subsequent purchaser. As far as A1 to A5 is concerned, they colluded together in order to cheat the defacto complainant and executed sale deed in favour of A1. Therefore, their custodial interrogation is very much require in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioners 1 to 5. Accordingly, this criminal original petition is dismissed as against the petitioners 1 to 5.

5.As far as the sixth petitioner is concerned, she is only subsequent purchaser. Therefore, this court is inclined to grant anticipatory bail to the sixth petitioner with certain conditions:

6.Accordingly, the sixth petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judicial Magistrate for Land Grabbing Cases, Tanjore on condition that the sixth petitioner 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 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 6th petitioner and the sureties shall affix their photo on the right and Left Thumb Impression in the surety bond and the



Magistrate may obtain a copy of their Aadhar card or Bank 1 to ensure their identity.

[b] the 6th petitioner shall report before the respondent Police as and when required for interrogation;

[c] the 6th petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 6th 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 6th petitioner in accordance with law as if the conditions have been imposed and the 6th 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
27/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

1 THE SPECIAL JUDICIAL MAGISTRATE
FOR LAND GRABBING CASES, TANJORE.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJORE @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE
DCB/ALGSC, THANJORE DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-4917[I] dated 27/03/2023)

+1 CC to M/s.V.THIRUMAL, Advocate (SR-4959[I] dated 28/03/2023)

ORDER

IN

CRL OP(MD) No.1221 of 2023

Date :27/03/2023

PKP/CG/SAR-2/31.03.2023/ **3P/7C**