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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/06/2023

PRESENT

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

CRL OP(MD). No.11940 of 2023

Kamaal Mydeen

... Petitioner/Accused No.1

Vs

The State represented by  
The Inspector of Police,  
District Crime Branch (ALGSC),  
Dindigul,  
Dindigul District.  
(Crime No.14/2023).

... Respondent/Respondent

For Petitioner : M/s.Anand C,  
Advocate.

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

For Intervenor : Mr.S.Balaji, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 120(b) of I.P.C., in Crime No.14 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that one Arumugasamban, who is the grandfather of the de-facto complainat, purchased the property in question, which is situated in S.No.707/1, Sukkampatti Village, Dindigul District, measuring to an extent of 1 acre 74 cents, from one Sulthan Mydeen Rowther, which was registered vide Document No.1005/1920, dated 31.05.1920. In the meanwhile, on 07.11.1953, the grandfather of the de-facto complainant and other legal heirs borrowed loan from the father of the petitioner by mortgaging the above said property along with other properties and the same was



registered vide Document No.2623/1953. Thereafter, within two years, the above said mortgage was redeemed. Further, on 20.08.1966, the grandfather of the de-facto complainant executed a mortgage deed for a sum of Rs.1,000/- in favour of the petitioner's father in respect of 49 cents out of 1 acre and 74 cents in S.No.707/1, which was registered vide Document No.2234/1966. Following which, on 26.04.1972, the grandfather of the de-facto complainant and others executed sale deed in favour of the petitioner's father in respect of the above stated 49 cents. At that juncture, on 11.07.2005, A1 to A3 sold the property measuring to the extent of 1 acre and 74 cents in favour of the fourth accused and the same was registered vide Document No.1432/2005. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the petitioner had executed only half of the property in favour of the father of the accused. However, the petitioner had sold away the entire property, which was not sold out in his favour. However, the learned counsel for the petitioner would submit that now he is ready and willing to reconvey the property, which was sold out, without any delay in respect of the said property in favour of the de-facto complainant.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for Land Grabbing Cases, Madurai, on condition that the 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 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 reconvey the property, which was sold out in favour of the third party, in favour of the de-facto complainant, within a period of two weeks, failing which, the anticipatory bail already granted shall stand cancelled automatically and the respondent is at liberty to secure the petitioner and proceed in accordance with law;



[c] the petitioner 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;

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

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-  
30/06/2023

/ TRUE COPY /

/07/2023

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

sjj  
TO

- 1 THE JUDGE,  
SPECIAL COURT FOR LAND GRABBING CASES,  
MADURAI.
- 2 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, ALGSC DINDIGUL,  
DINDIGUL DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.ANAND C, Advocate ( SR-10015[I] dated 03/07/2023 )

ORDER  
IN  
CRL OP(MD) No.11940 of 2023  
Date :30/06/2023

SS/11/07/2023/3P/5C