



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15021 of 2023

Rahamathullah

... Petitioner/ Accused No.3

Vs

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

... Respondent/Respondent

N.Arumugam

... Intervene Petitioner/Defacto Complainant
in CRL MP(MD)No.12372 of 2023

For Petitioner : M/s.Murali R,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

For Intervener : Mr.D.Ramesh Kumar, Advocate

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

PRAYER :-

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



ORDER: The Court made the following order :-

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The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 465, 467, 468, 471, 120(b) of IPC, 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 defacto complainant, 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 in vide Document No.1005/1920, dated 31.05.1920. In the meanwhile, on 07.11.1953, the grandfather of the defacto complainant and other legal heirs borrowed loan from the grandfather 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 defacto complainant executed a mortgage deed for a sum of Rs.1,000/- in favour of the petitioner's grandfather in respect of 49 cents out of 1 are 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 defacto complainant and others executed sale deed in favour of the petitioner's grandfather in respect of the above said 49 cents. At that juncture, on 11.07.2005, A1 to A3 sold the property



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measuring to an 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 complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4. Learned Government Advocate (Crl.side) would submit that the only objection raised by the defacto complainant is that let the petitioner also comply the undertaking given by his father / first accused in Crl.O.P(MD)No.11940 of 2023.

5. Now the case of the petitioner is that believing the words of the father only he signed in the document. According to him, the undertaking given by his father is also not workable in nature. If any complaint is given by the purchaser, this petitioner also will be put in trouble. The undertaking is not binding upon him.

6. Considering the facts and circumstances of this case and the fact that the first accused has been granted anticipatory bail, this Court is inclined to grant relief to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, 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)



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with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.

8. Since it is stated that the petitioner is in abroad, the petitioner shall appear before the concerned Magistrate within a period of one month days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
07/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

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



WEB COUNTER +1 CC to M/s.R.MURALI, Advocate (SR-13450[I] dated 11/09/2023)

ORDER
IN
CRL OP(MD) No.15021 of 2023
Date :07/09/2023

SS/JGB/25/09/2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023