



Crl.MP(MD)No.1532 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 14/02/2024

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.MP(MD)No.1532 of 2024

in

Crl.OP(MD)No.15021 of 2023

N.Arumugam

... Petitioner/De-facto Complainant

Vs.

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

... Respondent/Respondent/Complainant

2.K.Rahamathullah

... Respondent/Petitioner/Accused No.3

PRAYER:-Criminal Original Petition filed under Section 439(2) of Cr.P.C., to cancel the bail granted to the accused in Crl.OP(MD)No.15021 of 2023, dated 07/09/2023 on the file of this court and pass such any or other orders.

For Petitioner : Mr.S.BALAJI, Advocate

For 1st Respondent : Mr.R.SURESH KUMAR
Government Advocate (Criminal side)

For 2nd Respondent : Mr.R.MURALI, Advocate

ORDER

Challenging the grant of anticipatory bail, this criminal original petition has



Crl.MP(MD)No.1532 of 2024

been filed by the de-facto complainants seeking cancellation of anticipatory.

WEB COPY

2.The facts in brief:-

One Arumugasamban, who is the grandfather of the de-facto 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 de-facto 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 de-facto 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 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 grandfather in respect of the above said 49 cents. At that juncture, on 11.07.2005, A1 to A3 sold the property 3 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.



Crl.MP(MD)No.1532 of 2024

WEB COPY

3. Seeking anticipatory bail, the second respondent herein/ A1 filed Crl.OP(MD) No.15021 of 2023 before this court seeking anticipatory. That was allowed by this court on 07/09/2023 by making the following observation:-

“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.OP(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 to trouble. The undertaking is not binding upon him.

6.Considering the facts and circumstances of the case and the fact that the first accused has been granted anticipatory bail,



Crl.MP(MD)No.1532 of 2024

this Court is inclined to grant the relief to the petitioner.”

WEB COPY

4. So with the above said observation, anticipatory bail was granted to the petitioner.

5. Now this petition has been filed by the petitioner stating that the conditions were not complied by the second respondent and he has not executed the surety also. Apart from that, other factual aspects mentioned in the FIR are stated.

6. The learned Government Advocate (Criminal side) would submit that the conditions have been complied. Now the final report has also been filed.

7. None of the grounds necessitating the court to recall or cancel the anticipatory bail has been brought on record by the petitioner. So, I find absolutely no reason to entertain this petition.

8. In the result, this criminal miscellaneous petition is dismissed.

sd/-
14/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO
1 THE JUDGE,
SPECIAL COURT FOR LAND GRABBING CASES,
MADURAI

<https://www.hmc.tn.gov.in/judis>



Crl.MP(MD)No.1532 of 2024

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (ALGSC),
DINDIGUL DISTRICT.

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

ORDER
IN
CRL MP(MD) No.1532 of 2024
IN
CRL OP(MD) No.15021 of 2023
Date :14/02/2024

SA/GS/SAR. /04.03.2024/5P/4C

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