



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Third day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.10666 and 10667 of 2015

SELVAM

... PETITIONER / ACCUSED NO.3 IN
CRL.OP (MD) NO.10666/2015

1.RAMASAMY

2.NARAYANASAMY

... PETITIONERS/ACCUSED NOS.1 AND 2
IN CRL.OP (MD) NO.10667/2015

Vs

STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR.
(CRIME NO.17/2015)

... RESPONDENT/ COMPLAINANT IN
BOTH THE PETITIONS

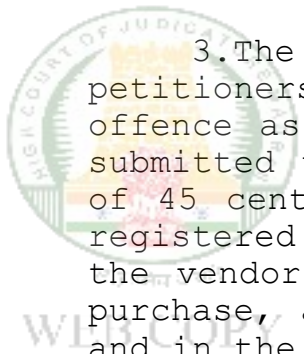
For Petitioner : M/S.V.PERUMAL Advocate in both the Petitions
For Respondent : Govt. Advocate (Crl. Side)
in both the Petitions

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(b), 420, 464, 465, 468, 471 and 474 of IPC, in Crime No.17 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant the Tahsildar, Disaster Management, District Collectorate, Karur District that the lands comprised in Survey No.245/7 to an extent of 0.19.37 square meters and the lands comprised in Survey No.246/1CZ to an extent of 0.55 acres were classified as Government Nathan land and Trichy Zilla Board land respectively, but the accused by creating forged Chitta, included their names along with Trichy Zilla Board and attempted to grab the property of the Government.



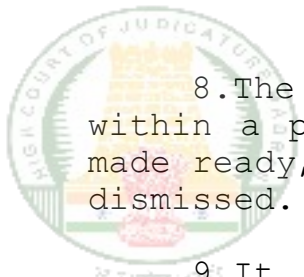
3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the lands comprised in Survey No.245/7 to an extent of 45 cents was purchased by the ancestor of A1 and A2 through a registered sale deed and long before patta was issued in favour of the vendor, namely Thirumalaisamy Chettiar on 19.01.1936 and after purchase, a fresh patta was issued for this property on 29.11.1995 and in the revenue records, the land has been classified as ''Natham Poromboke'' land and therefore, the de-facto complainant cannot claim any right over the property.

4.The learned counsel further submitted that in the suit O.S.No.403 of 2004, the right of A1 and A2 had been confirmed by the competent civil court. It is further submitted that with regard to the land in survey No.246/1CZ, the same was purchased by the ancestors of A1 and A2 through the sale deeds, dated 26.07.1973 and 06.04.1974 and the parent documents of the sale deeds would reveal that the vendors of the petitioners forefather namely Thangam Munthiriyar sold the property through a registered sale deed, dated 13.05.1966 in favour of Anusuya Ammal. The learned counsel has produced the typed set of papers, which contain the sale deeds, dated 13.05.1966, 06.04.1973 and 26.07.1973 and the patta issued on 07.07.2014. The learned counsel has filed an affidavit of undertaking of the 3rd petitioner/A3 stating that he will not alienate the disputed property comprised in Survey No.246/1CZ to an extent of 0.55 cents situated at Vaiganallur Village, North village, Kulithalai Taluk, Karur District till he gets order in his favour from a competent civil court.

5.The learned Government Advocate (Criminal side) appearing for the respondent filed a detailed counter objecting grant of anticipatory bail to the petitioners and also submitted that the accused land comprised in survey No.246/1CZ was classified as ''Trichy Jilla Board'' and A1 and A2 after obtaining patta have included their names by committing forgery as if it was issued in the name of the Thirumalai Swamy and sold the property to A3. It is further submitted that in the records maintained in the Sub Registrar Office at Kulithalai, the disputed lands were mentioned as Government lands and the guideline value shows as "zero".

6.Considering the above facts and circumstances of the case and also the affidavit of undertaking filed by the petitioner/A3 in CrI.O.P(MD)No.10666 of 2015, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kulithalai and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

9.It is made clear that the petitioner/A3 in Crl.O.P(MD) No.10666 of 2015 shall not encumber or alienate till he gets a decree of declaration for the lands in S.F.No.246/1CZ in his favour from a competent civil court.

sd/-
23/09/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II
KULITHALAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR. .

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

+2. CCS to M/S.V.PERUMAL Advocate SR.No.56962

RL/7C - 1/10/2015

ORDER
IN
CRL OP(MD) Nos.10666
and 10667 of 2015
Date :23/09/2015