



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

Tuesday, the First day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.13186 of 2015

1 SAKTHIVEL
2 RAHINI
3 PREMA

... PETITIONERS/ACCUSED 1TO 3

Vs

STATE REP BY THE INSPECTOR OF POLICE
ANTI LAND GRABBING WING, DINDIGUL DIST.
(CRIME NO. 6 OF 2015) ... RESPONDENT/COMPLAINANT

MUTHUSAMY ...INTERVENOR

For Petitioner : M/S.P.MUTHUSAMY Advocate
For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)
For Intervenor : MR.D.SELVARAJ, Advocate

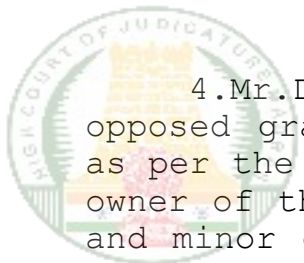
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 offence punishable under Section 120(b), 465, 468 and 506(i) of I.P.C in Crime No.6 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, he purchased properties to an extent of 9.40 Acres at Balasamuthiram Village, Palani Taluk in S.F.No.310/C from the original owner by a registered sale deed, dated 08.02.2006 and his wife purchased 5.75 Acres in S.F.Nos.310/1A, 310/2 and 61/11 by a registered sale deed, dated 30.05.2006 and they have been in possession and enjoyment of the same. While so, the accused with a view to grab the property, the 4th accused executed a Power of Attorney in favour of the first accused on 11.05.2010 and the first accused sold the property to his sister-in-law/A2 on 23.09.2013 and that property was settled by the second accused in favour of his own sister/A3 on 06.02.2014. When the de-facto complainant questioned the same, the accused threatened the de-facto complainant with dire consequences.

3.The learned counsel for the petitioners submitted that the fourth accused is the owner of the property and she executed a Power of Attorney in favour of the first accused, after receiving consideration and based on the Power Attorney, the first accused had sold the property to the second accused. It is further contended that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.



4.Mr.D.Selvaraj, learned counsel for the intervenor vehemently opposed granting anticipatory bail to the petitioners stating that as per the Will, dated 28.02.1995, one Sundararajan was the absolute owner of the property and he died intestate leaving behind his wife and minor daughter S.Veeraveni and they sold the entire extent in favour of the de-facto complainant and his wife and after a lapse of four years, the first accused got the Power of Attorney with a view to grab the property. The learned counsel further submitted that unless the earlier sale deeds, dated 08.02.2006 and 30.05.2006 are set aside, the fourth accused has no right over the property.

5.It is further submitted that the accused 2 and 3 are sister-in-law and wife of the 1st accused respectively and the first accused to complicate the issue created documents as if he sold the property to his sister-in-law/A2 and latter got settlement of the property from A2 in favour of his wife A3.

6.Heard the learned Government Advocate (Crl.side) appearing for the State.

7.Considering the specific allegations made against the first petitioner and considering the gravity of the offence, this court is not inclined to enlarge the first petitioner on anticipatory bail. Hence, this petition is dismissed against him. Considering the nature of the allegations made against the petitioners 2 and 3, who are homemakers and danced to the tune of the 1st accused, this court is inclined to enlarge the petitioners 2 and 3 on anticipatory bail with certain conditions.

8.Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for Anti Land Grabbing Cases, Madurai 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 Judge/Magistrate concerned and on further condition that the petitioners 2 and 3 shall appear before the respondent police as and when required for interrogation. The petitioners 2 and 3 shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

9.The petitioners 2 and 3 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.

sd/-
01/09/2015

/ TRUE COPY /



TO

1 THE SPECIAL COURT FOR ANTI LAND GRABBING CASES, MADURAI

2 THE INSPECTOR OF POLICE
ANTI LAND GRABBING WING, DINDIGUL DIST.

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

+1. CC to M/S.P.MUTHUSAMY Advocate SR.No.50929

ORDER
IN
CRL OP(MD) No.13186 of 2015
Date :01/09/2015

AA/22.09.2015/3p-5c