



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

Thursday, the Fifth day of February Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.1443 & 1551 of 2015

DHANASEKRAN

... PETITIONER/ ACCUSED NO.4
IN CRL OP(MD) No.1443 of 2015

1 KANAGAMBIGAI AACHI
2 S.KUMARAPAN
3 G.PANDISELVAM
4 C.CHIDAMBARAM
5 M.AKBAR SAT

... Petitioner/ACCUSED NOS. 1,2,3,5 & 6
in CRL OP(MD). 1551/ 2015

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
LAND GRABBING CELL, TALLAKULAM, MADURAI
CR.NO.13/2015

... RESPONDENT/ COMPLAINANT
IN BOTH PETITIONS

C.T.S.SIVAKUMARAN

...INTENVENOR IN BOTH PETITIONS

For Petitioner : M/S.T.K.GOPALAN Advocate IN CRL OP(MD) No.1443 of 2015

For Petitioner : M/S. N.THANMIMUL ANSARI Advocate
IN CRL OP(MD) No.1551 of 2015

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

For Intervenor : M/S.K.SURESH Advocate

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

CONMMON ORDER : The Court Made the following order :-

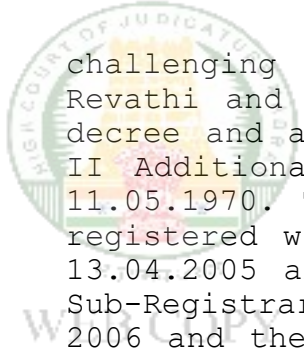
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468, 471 and 420 IPC in Crime No.13 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is the case of the prosecution that the property in question measuring 72 cents in S.No.706/5 in A.Vallala Patti originally belonged to one Meenakshi Achi, She by way of deed of settlement dated 11.05.1970 settled the said property in favour of one Kanagambigai Achi, Revathi and

<https://hcservices.ecourts.gov.in/hcservices/>

Umadevi. Thereafter, Meenakshi Achi filed a suit in O.S.No.543 of 2004,



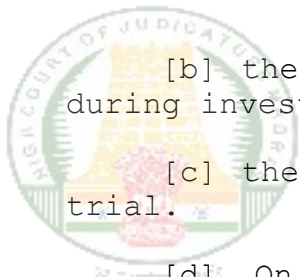
challenging the settlement deed and in that suit, Kanagambigai Achi, Revathi and Umadevi were made as defendants. The defendants submitted to decree and accordingly, a decree was passed on 19.01.2005 by the learned II Additional Sub-Court, Madurai, annulling the settlement deed dated 11.05.1970. Thereafter, it is alleged that Meenakshi Achi had executed a registered will in favour of Sivakumaran / defacto complainant herein on 13.04.2005 and the said Will was registered before in the office of the Sub-Registrar, Vellore. In the meantime, Meenakshi Achi died in the year 2006 and thereafter, the property was in the possession and enjoyment of the said Sivakumaran. While so, Kanagambigai Achi and her son Kumarappan, knowing full well that they do not have any right or title over the property, have sold the said property to one Pandiselvam on 28.05.2013, thereby encumbered the said property.

4. It is seen that after the death of Meenakshi Achi, all the revenue records were changed and the patta was also changed in the name of Sivakumaran. It is now alleged that Chidambaram had helped Kanagambigai Achi and Kumarappan in this deal. Akbar Sat, who is a Village Administrative Officer, involved himself in tampering with the revenue records in favour of Pandiselvam.

5. Learned counsel for the petitioners brings to the notice of this Court that the very decree in O.S.No.543 of 2004 has been obtained by fraud by Meenakshi Achi. According to the learned counsel for the petitioners, the suit in O.S.No.543 of 2004 challenging the settlement deed dated 11.05.1970 was filed before the Court on 05.12.2004 and a consent decree was obtained on 19.01.2005. In the consent decree, it is stated that one Baskaran, Advocate appeared for Kanagambigai Achi, Revathi and Uma Devi. When the petitioners came to know about this fraud in the year 2010, they immediately sent a letter to Baskaran, Advocate on 23.08.2010. In response to the letter dated 23.08.2010, Baskaran, Advocate issued a reply letter dated 31.08.2010 in which he has stated that he never filed any vakalath in O.S.No.543 of 2004 and the decree has been obtained by fraud. Thereafter, Kanagambigai Achi filed a fresh suit in O.S.No.192 of 2012 in which Sivakumaran, present defacto complainant has been shown as defendant, that is because Meenakshi Achi died before that and Sivakumaran is trying to claim over the property through the registered Will allegedly given by Meenakshi Achi in his favour. In that suit, Sivakumaran has entered appearance and also filed a written statement. While so, suppressing the pendency of O.S.No.192 of 2012, the present FIR has been registered on direction by this Court under Section 482 Cr.P.C.

6. Taking into consideration the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that each of 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 and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.



[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
05/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.I, MADURAI.

2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

4 THE INSPECTOR OF POLICE
LAND GRABBING CELL, TALLAKULAM, MADURAI.

+1. CC to M/S.T.K.GOPALAN Advocate SR.No.5449.

+1cc to Mr. N.THANMIMUL ANSARI, Advocate in SR.No. 5630

TS/10.02.2015/3P-7C

ORDER
IN
CRL OP(MD) Nos.1443 & 1551 of 2015
Date :05/02/2015