



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

Thursday, the Sixth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15109 of 2015

1 JEYAKODI  
2 EKAMBARAM

... PETITIONER / ACCUSED A 3 & 4

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
ANTI LAND GRABBING WING, TRICHY,  
TRICHY -DT.(CR.NO.23/15) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.HALLMARK ASSOCIATIONS Advocate

For Respondent : MR.S.PRABHA, Govt. Advocate ( Crl. Side)

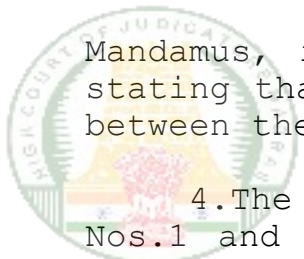
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A.3 and A.4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 467, 468, 471 and 506(i) I.P.C. in Crime No.23 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant viz., Saravanan, S/o Late Duraisamy Pillai, the property to an extent of 1.50Acres in S.No.482/1B and 482/2C devolved on his father by virtue of a will and he was enjoying the property and after his demise, the defacto complainant is in possession and enjoyment of the same. While so, the accused Nos.1 and 2, by creating documents sold the property to the accused No.3 on 29.07.2008 and the accused Nos.4 to 6 are witnesses and officials in the Registrar's office.

3.The learned Counsel for the petitioners submitted that the first petitioner is a bonafide purchaser and she is the absolute owner of the property by virtue of a sale deed dated 29.07.2008. Subsequently, she filed a suit in O.S.No.163 of 2011, before the District Munsif Court, Manaparai against one Raju, who has prevented her from using the access to the property and thereafter, the first petitioner filed a suit in O.S.No.345 of 2014 before the District Munsif Court, Manaparai against the defacto complainant seeking permanent injunction. The second petitioner also filed a writ petition in W.P.(MD)No.11159 of 2015 against the Superintendent of Police, Inspector of Police and the defacto complainant for



Mandamus, in which the respondent police filed a counter affidavit stating that the suit in O.S.NO.345 of 2014 is pending adjudication between the parties and it is a civil in nature.

4.The learned Government (Crl.Side) submitted that the accused Nos.1 and 2 without having any right over the property, sold the same to the third accused by fabricating the documents and all the accused are attempted to grab the property of the defacto complainant.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Judge for Anti Land Grabbing Offences, Trichy 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 second petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders and the first petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. 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.

sd/-  
06/08/2015

/ TRUE COPY /

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

TO

1.THE SPECIAL JUDGE FOR ANTI  
LAND CRABBING OFFENCES, TRICHY.

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

3.THE INSPECTOR OF POLICE,  
ANTI LAND GRABBING WING, TRICHY,TRICHY DISTRICT.

+1. CC to M/S.HALLMARK ASSOCIATIONS Advocate SR.No.44794  
ORDER

IN  
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Date :06/08/2015