



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) Nos.15140 & 15247 of 2014

1 AMARAVATHI
2 BOSE MANOKARAN
3 JEYAKUMAR
4 RAJA @ ARUMUGA RAJA
5 THIYAGARAJAN

... PETITIONERS/ACCUSED RANK NOT KNOWN
IN CRL.OP(MD)NO.15140/2014

1. DR.B.ELAVENDHAN
2. B.ELANCHEZHIAN

...PETITIONERS/ACCUSED NO.1 & 2
IN CRL.OP(MD)NO.15247/2014

TAMILARASU

... INTERVENOR IN BOTH PETITIONS

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
DINDIGUL, DINDIGUL DISTRICT.
(CRIME NO.94/2014)

... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

For Petitioner : M/S.P.VENKATA SUBRAMANIAN Advocate
IN CRL.OP(MD)NO.15140/2014

M/S.D.SELVARAJ, Advocate IN CRL.OP(MD)NO.15247/14

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

For Intervenor : MR.R.GANDHI, Advocate IN BOTH PETITIONS

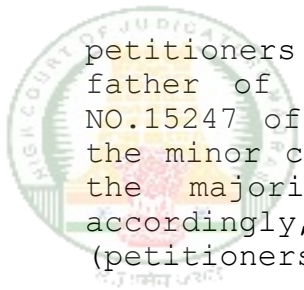
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD)NO.15140 of 2014 who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471, 120(b), 294(b), 506(i) I.P.C. and the petitioners in Crl.O.P.(MD)NO.15247 of 2014, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471, 120(b), 294(b), 506(ii) I.P.C. in Crime No. 94 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners, the learned Government Advocate(Crl.Side) and the learned Counsel for the intervenors.

<https://hcservices.courts.gov.in/hcservices> case of the defacto complainant that the property in question measuring 92 cents was purchased on 14.04.1978 by Kandasamy, the grandfather of the defacto complainant. While so, it is the case of the



petitioners that the property in question was purchased by Baskaran, the father of Dr.Elavendan and Elanchezhiyan, petitioners in Crl.O.P.(MD) NO.15247 of 2014, on 14.04.1978 by document No.612/1978 in the names of the minor children namely, Elavendan and Elanchezhiyan and on attaining the majority, they acquired full rights over the property and accordingly, they sold the property to Amaravathy and Jeyakumar (petitioners in Crl.O.P.(MD)NO.15140 of 2014), on 09.12.2013.

4. The learned Counsel for the intervenors brought to the notice of this Court that Dr.Elavendan(A.1) and Elanchezhiyan(A.2) had executed two sale deeds in favour of Amaravathy (A.3) on 01.08.2012 and 09.12.2013.

5. In the sale deed dated 01.08.2012, it is stated that A.1 and A.2 had executed 2 Acres 93 Cents in S.No.870/2B and 91 Cents in S.No.870/3 in favour of A.3. Again in the sale deed dated 09.12.2013, A.1 and A.2 executed sale deed in favour of A.3 and A.5 in respect of 3 Acres and 69 Cents in S.No.870/1.

6. The learned Counsel for the intervenors would submit that the property mentioned in the sale deed dated 01.08.2012 does not belong to A.1 and A.2.

7. Today, a memo has been filed before this Court by the petitioners in Crl.O.P.(MD)NO.15140 of 2014, wherein in paragraph No.2, it is stated as follows:

"The petitioners submits that at the time of hearing, this Hon'ble High Court directed the petitioners and A.1 and A.2 to cancel the sale deed dated 01.08.2012 in Document No.1879/2012 on the file of the Sub-Registrar, Ayyampalayam, Dindigul District. Accordingly on 05.03.2015, the petitioners cancelled the said sale deed dated 01.08.2012 in document No.1879/2012 through the document NO.201500390 and the receipt also given to the petitioners in Receipt No.2015397."

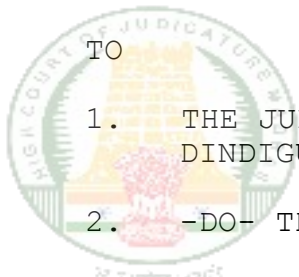
8. In view of the fact that the petitioners have taken steps to cancel the sale deed, dated 01.08.2012, this Court is of the view that the interim anticipatory bail already granted to the petitioners should be made absolute.

9. Accordingly, the interim anticipatory bail already granted to the petitioners is made absolute and the petitioners shall report before the respondent police as and when required for interrogation. If the petitioners have already furnished the sureties, they need not furnish fresh sureties.

10. Whatever stated in this order shall not prejudice the case of the petitioners or the defacto complainant in any civil proceedings. If there is any claim interse between the petitioners, they may work out their remedy before the Civil Court.

sd/-
17/03/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
3. THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, DINDIGUL,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.VENKATA SUBRAMANIAN Advocate SR.No. 12635
+1cc to MR.R.GANDHI, ADVOCATE IN SR : 12672

SR : 19.03.2015 : 3p/7c

ORDER
IN
CRL OP(MD) Nos.15140 & 15247 of 2014
Date :17/03/2015