



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

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

WEB COPY

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.15478 of 2014

SIVAGURU KUTRALAM

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
KANYAKUMARI DISTRICT,
NAGERCOIL. CRIME NO.51 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.T.PERUMAL, Advocate

For Respondent : M/S.P.KANDASAMY, Govt. Advocate (Crl.Side)

For Intervener : MR.S.PALANI VELAYUTHAM, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.51 of 2014, on the file of the respondent police for offences under Sections 420, 465, 468, 471 IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioner, learned counsel for the intervenor and the learned Government Advocate (Crl. Side) for the respondent.

3.Earlier, the matter was referred to the Mediation and Conciliation Centre and a failure report dated 12.02.2015 has been received.

4.This case has been registered pursuant to the order passed by this Court in Crl.OP.(MD) No. 12111 of 2014 on 14.07.2014.

5. The learned counsel for the intervenor very strongly objected to the grant of anticipatory bail to the petitioner. The de-facto complainant in this case is one Christopher. It is the case of the de-facto complainant that the total extent of the property in question is 3 acres and 45 cents and the dispute is with regard to 45 cents. According to the de-facto complainant the entire property of 3 acres and 45 cents originally belonged to one Lilly Christopher. While so, the de-facto complainant had borrowed



some money from one Ajith kumar (A2) some time prior to 2006. It is alleged by the de-facto complainant that his wife Lilly Christopher was called by Ajithkumar to Kerala and where she was forced to execute a document in Malayalam and the document was registered on 29.06.2006 in favour of Ajithkumar. Thereafter Ajithkumar/A2 executed settlement deed on 28.12.2012 in respect of the said property in favour of his wife Beena (A3). Beena(A3) sold the said property on 03.01.2013 to Sivaguru Kuttralam, the petitioner herein.

6. The respondent police today filed a status report, in which, in paragraph No.3, they have stated as follows:

"3.I have enquired the de-facto complainant as witness. The petitioner/accused No.1 also appeared for the investigation." It appears from the status report that the accused appeared before the police and cooperated with the investigation.

7. The crux of the allegations of the de-facto complainant is that Ajithkumar A2 had managed to get some documents signed by the de-facto complainant's wife and had it registered in Kerala on the strength of which, the property belonging to the de-facto complainant is being usurped. Even according to the de-facto complainant, the said document was registered way back in the year 2006 and no action seems to have been taken by the de-facto complainant since then. It is not the case of the de-facto complainant that some one had impersonated his wife and had fabricated a sale deed and sold his properties. The dispute is whether the document executed by his wife in the year 2006 was given with consent or not. In a case of this nature and on the circumstances, this is a fit case to grant anticipatory bail, this petitioner had purchased the property from Beena in the year 2013.

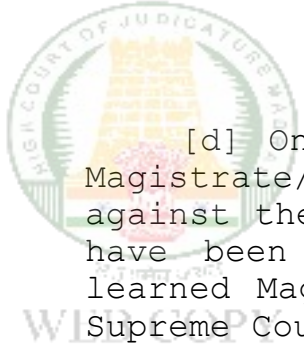
9. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Anti land Grabbing Cases, Tirunelveli, on executing a separate bond for 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 petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter 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.

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



[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]**.

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-
24/03/2015

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

TO

- 1 THE SPECIAL COURT FOR ANTIL LAND GRABBING CASES, TIRUNELVELI.
 - 2 THE INSPECTOR OF POLICE, ANTI LAND GRABBING SPECIAL CELL,
KANYAKUMARI DISTRICT, NAGERCOIL.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.T.PERUMAL, Advocate SR.No.14389.
- +1. CC to M/S. S.PALANI VELAYUTHAM, Advocate SR.No.14389.

ORDER IN
CRL OP(MD) No.15478 of 2014
Date :24/03/2015

msm 26.03.2015 p3/6c