



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

Thursday, the Twenty Second day of January Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.176 of 2015

KAMARAJ

... PETITIONER/ACCUSED NO.1

Vs

STATE REP BY THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, K.K.NAGAR, TRICHY.
CR. NO. 14/2014. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.MUTHURAJA Advocate
For Respondent : MR.C.RAMESH Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 465, 467, 468, 471, 420 and 506(i) IPC in Crime No.14 of 2014 on the file of the respondent police, seeks anticipatory bail.

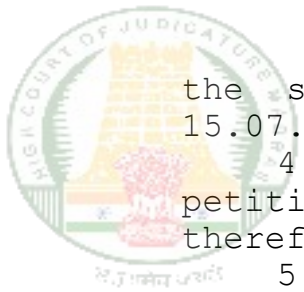
2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the State.

3.On 20.01.2015, this Court passed the following order:

"The Petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 120(B), 465, 467, 468, 471, 420 and 506(i) IPC in Crime No.14 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the State.

3.The case of the prosecution is that the land in question belongs to one Dharmaraj, who is the defacto complainant and he having inherited the same from his mother Mallika on 14.06.2007 and the defacto complainant has been issued with patta for the said land. While so, this petitioner in collusion with A3 and A4, who were Village Administrative Officers of the Village, have obtained a false patta from them in respect of the land, on



the strength of which, he has sold the property on 15.07.2008 to A2.

4.Learned counsel for the petitioner submits that the petitioner derived title from his fore-father and therefore, the petitioner is the owner of the land.

5.On a reading of the recital in the sale deed dated 15.07.2008, it is seen that the Petitioner has not traced any title to the land, but merely made bald allegations that he is having a separate patta in respect of the land and that the land is his ancestral land. The petitioner has also not stated about how many brothers and sisters he has so as to have division among his own family to obtain title to this land. Therefore, on the face of it, it appears that this petitioner in collusion with VAOs have created documents in respect of the defacto complainant's land and encumbered the same.

6.At this juncture, the learned counsel for the petitioner seeks time to get instructions.

List this matter on 22.01.2015 under the caption "For Orders".

4.Today, the learned counsel for the petitioner produced the patta and submitted that the petitioner's name is there in the patta. But, the very allegation against the petitioner is that he in collusion with A.3, who was the Village Administrative Officer, had created revenue records like patta and 'A' Register falsely to get title to a property and encumbered the same.

5.Taking into consideration the serious nature of the allegations against the petitioner, this is not a fit case for granting anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
22/01/2015

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

TO

- 1 THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, K.K.NAGAR, TRICHY.
- 2 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.176 of 2015
Date :22/01/2015

AA/28.01.2015/2p- 3c/