



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

Thursday, the Tenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.17996 of 2015

1 S. ULLAMUDAIYAR  
2 N. JANARTHANAN  
3 S.ESAKKIMUTHURAJA

... PETITIONERS/ ACCUSED No.2,3,&4

Vs

THE INSEPECTOR OF POLICE  
DISTRICT CRIME BRANCH(ALGSC)  
TIRUNELVELI DISTRICT,  
IN CRIME NO.16/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.MAHARAJAN Advocate  
For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)  
For Intervenor : Mr.S.MEENAKSHI SUNDARAM, Advocate

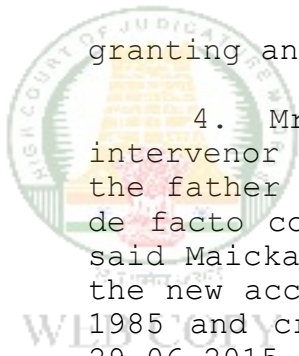
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 to 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419,420,465,468,471,120(B) and 506(ii) of IPC in Crime No.16 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the property originally belonged to one Manickavasagam Pillai and he executed a sale deed on 12.10.1981 in favour of de facto complainant bequeathing his right and subsequently, the said Manickavasagam Pillai died on 14.11.1985. After his death, the de facto complainant and his brother were in possession and enjoyment of the property. Subsequently, the brother of the de facto complainant has also died on 14.01.1990 and thereafter, the de facto complainant is in possession and enjoyment of the entire property. The petitioners 1 to 3 and Sankaran Pillai and one Kannan conspired together and created forged documents and impersonated the said Manickavasagam Pillai, original owner, father of the de facto complainant, who died in the year 1985, sold the property measuring an extent of 287 cents in favour of petitioners 1 to 3 and one Kannan, created the sale deed in favour of the petitioners and hence, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners purchased the property on 10.06.2015 and 29.06.2015 respectively, after verifying all the records and now, the petitioners and one Kannan have filed O.S.Nos.133,134,137 and 18 of 2015, before of the coordinate Judge, Valliyur, for declaration and injunction. He further submitted that the petitioners are innocent and they have not committed any offences as alleged by the prosecution and he prays for



granting anticipatory bail to the petitioners.

4. Mr.S. Meenakshisundaram, learned counsel appearing for the intervenor submitted that the original owner viz., Maickavasagam Pillai, the father of the de facto complainant, executed a Will in favour of the de facto complainant and his brother on 12.10.1981 and subsequently, the said Maickavasagam Pillai died on 14.11.1985. The accused persons opened the new account in the name of Maickavasagam Pillai, who died in the year 1985 and created ID proof and executed a sale deeds, on 10.06.2015 and 29.06.2015.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners did not co-operate with enquiry and they did not produce any document to show their bonafide. He further submitted the earlier petition filed by the petitioners in Crl.O.P(MD).No.14775 of 2015 was dismissed by this Court as withdrawn, on 27.08.2015 and the investigation is in preliminary stage.

6. Considering the seriousness of offence and the charges levelled against the petitioners and also considering the fact that the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the Criminal Original Petition is dismissed.

sd/-  
10/12/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH  
ANTI LAND GRABBING WING  
TIRUNELVELI DISTRICT,

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

+1 CC to M/S V.MAHARAJAN Advocate SR.No.71206

+1 CC to Mr.S.MEENAKSHI SUNDARAM, Advocate, SR No.70813

ORDER  
IN  
CRL OP(MD) No.17996 of 2015  
Date :10/12/2015

trp  
SH/GSV-AN/SAR-I:14.12.2015:2P/5C