



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

Wednesday, the Fourth day of February Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) Nos.18204 & 18214 of 2014

1 MALAYALAM

2 PADIKALAI

3 SEKAR

... PETITIONER/ACCUSED 1, 3 & 4
in CRL.OP.NO.18204/2014

AKBAR

...PETITIONER/ACCUSED 5
in CRL.OP.NO.18214/2014

Vs

STATE REP BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH,

ANTI LAND GRABBING SPECIAL CELL (ALGSC),

MADURAI DIST, CR.NO.44/2014

... RESPONDENT/COMPLAINANT IN
BOTH CASES

For Petitioner :MR. S.J.CHAKKARAVARTHY FOR

M/S.EDDY AND EMBOSS LAW FIRM Advocate
IN CRL.OP (MD).No.18204/2014

MR. G.CHANDRASEKARAN Advocate

IN CRL.OP (MD).No.18214/2014

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

On 13.01.2015 this Court passed the following order:

"It is the case of the prosecution that Malayalam/Al was the owner of the property and he had sold the property in the year 1968 to one Vasudeva Chettiyar. Thereafter Vasudeva Chettiyar did not take care to get the patta in his name, because in those days it was not the practice and people used to trust their vendors. Vasudeva Chettiyar died. Thanikodi, the de-facto complainant herein, is the purchaser of the property. While so, these petitioners taking



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advantage of the fact that Vasudeva Chettiyyar had not created the revenue records, had in collusion with the Akbar Sate/A5 the Village Administrative Officer has created revenue records, as if the property belongs to Malayalam. On the strength of this, Malayalam has registered a Will in respect of the same property to his heirs. Thus, it is evident that these people in collusion with one another have created encumbrance over which, they have no title.

2. When this Court was about to dismiss these petitions, the learned counsel for the petitioners submit that Malayalam is the owner of the larger extent of the land. But Thanikodi has purchased only 12½ cents of land. If the petitioners given an undertaking to this Court that they will not cause any encumbrance to the 12 ½ cents of land purchased by Thanikodi, then, this Court could consider for grant of anticipatory bail.

3. It is seen that the first petitioner Malayalam has written a registered Will including Thanikodi's property, knowing fully well that he is not the owner of the property. On the death of Malayalam, there will be further complications in respect of Thanikodi's property as the beneficiaries of the Will will claim ownership of the property.

4. The learned counsel for the petitioners seek permission to get instructions and file an affidavit to that effect."

2. On 29.01.2015, this Court passed the following order:

"Today it is represented by the learned Additional Public Prosecutor, on instructions from the Investigating Officer, who is present before this Court, that apart from Thanikodi, there are other persons by name Varalakshmi, Srinivasan, Padmavathi and Mani. This petitioner should also cover the properties in respect of the aforesaid persons in the affidavit".

3. Today, the learned counsel for the petitioners seeks permission of this petition to withdraw this petition. Permission is declined.

4. It is seen that the petitioners have manipulated the records with the help of the fifth accused Village Administrative Officer as if the property belongs to Malayalam. On account of encumbrance is created by the petitioners apart from Thanikodi, there are four others affected persons in this case.



5. Taking into consideration the serious nature of allegation against the petitioners, it is not the fit case for grant of anticipatory bail to the petitioners. Hence, the petition are dismissed.

sd/-

04/02/2015

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

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL (ALGSC) MADURAI DIST,

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

+1cc to Mr. A.R.Aravindaraj, Advocate Sr.No. 5176

ORDER

IN

CRL OP(MD) No.18204 & 18214 of 2014

Date :04/02/2015

AA/06.02.2015/3p- 4c/