



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.200 of 2015

1 MURUGESAN

2 MAHARASI

3 IRULAPPA KONAR

4 MASANAM

5 PAPATHI

6 VELLAI AMMAL

7 PERUMAL

8 MAHARASI

... PETITIONER(S) / ACCUSED 1 to 8

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI DT.
CR. NO. 85 OF 2014

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : M/S.C.Ramesh Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

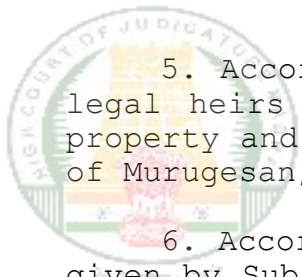
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468, 471 and 420 I.P.C in Crime No.85 of 2014 on the file of the respondent police, seek anticipatory bail.

2. This case has been registered, pursuant to the direction issued by this Court.

3. On a reading of the complaint, it is seen that the property originally belongs to one Subramania Konar, who had five sons and three daughters. The defacto complainant is the third party purchaser of the said property from the sons of the said Subramania Konar.

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

4. Heard the learned Government Advocate (Criminal Side) and the Investigating Officer is present.



5. According to the defacto complainant, the petitioners, who are the legal heirs of the daughters of Subramania Konar, have no right to the property and that they have registered a sale deed on 08.12.2011 in favour of Murugesan, the first petitioner.

6. According to the petitioners, they are challenging the alleged Will given by Subramania Konar to his sons and they have filed a partition suit in O.S.No.167 of 2011.

7. Even in the plaint in O.S.No.167 of 2011, the petitioners have taken a stand that Subramania Konar had died intestate. Thus, it is essentially a property dispute between two branches of the same family with regard to the title of the property. Under such circumstances, this Court is inclined to grant Anticipatory Bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli, on condition that the petitioners shall execute 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 first, third, fourth and seventh petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation and the second, fifth, sixth and eight petitioners shall appear before the respondent police 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.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

sd/-
13/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1 THE LEARNED SPECIAL JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI.

2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.1869.

TS/20.01.2015/2P-6C

ORDER
IN
CRL OP(MD) No.200 of 2015
Date :13/01/2015