



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

Friday, the Thirtieth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD)Nos.20209 & 20181 of 2015

WEB COPY

- 1 S. SRIDHAR
- 2 S. SIVAKUMAR
- 3 SUDHAKAR
- 4 SUSEELA
- 5 RAKKAN @ SUBRAMANI
- 6 S. NALLATHAMBI
- 7 S. KANNAN
- 8 S. BALAKRISHNAN
- 9 K. CHITRA SELVI
- 10 MAHALAKSHMI
- 11 VISWANATHAN

..PETITIONERS/ACCUSED  
(RANK NOT KNOWN)  
in Crl.OP (MD)No.20209/2015

MANIMEKALAI

..PETITIONERS/ACCUSED No.7  
(RANK NOT KNOWN)  
in Crl.OP (MD)No.20181/2015

Vs.

STATE REP.BY THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
KARUR.  
IN CR.NO. 8 OF 2015 RESPECTIVELY

..RESPONDENT/COMPLAINANT  
in Both the Petitions

For Petitioner : M/S S.KARTHIK Advocate in Crl.OP (MD)No.20209/2015  
For Petitioner : M/S A.UTHAYAKUMAR, Advocate in Crl.OP (MD)No.20181/2015  
For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)  
in both the petitions  
For Intervenor : Mr.SHANMUGASELVAM, Advocate in both the petitions

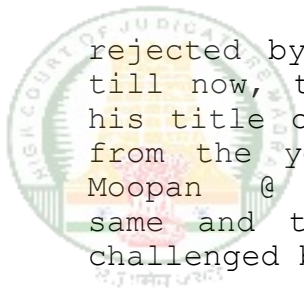
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(b), 420 and 465 of IPC, in Crime No.8 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant that his grand-father Veeramalai Moopan purchased the property in dispute to an extent of 9.58 acres from one Subramaniaya Moopan @ Sukkiramaniya Moopan through a registered sale deed, dated 06.02.1920, however, the accused without having any right over the property, are claiming title and also sold the properties to 3<sup>rd</sup> parties and thereby cheated the de-facto complainant.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the title claimed by the grandfather of the de-facto complainant was



rejected by the Revenue Divisional Officer in a Tenancy Proceeding and till now, the de-facto complainant has not filed any suit to establish his title over the property. The learned counsel further submitted that from the year 1926, the legal-heirs of the original owner Subramaiya Moopan @ Sukkiramaniya Moopan are in possession and enjoyment of the same and they have sold the property to 3<sup>rd</sup> parties, which was not challenged by the de-facto complainant in the manner known to law.

4. Mr. N. Shanmugaselvan, learned counsel for the intervenor opposed grant of anticipatory bail to the petitioners contending that the grandfather of the de-facto complainant namely Veeramalai Moopan had purchased the entire property from the original owner Subramaniya Moopan @ Sukkiramaniya Moopan through a registered sale deed and the accused are claiming right over the property based on the patta issued under Minor Inam Abolition Act, 1967 and they are selling the property to the 3<sup>rd</sup> parties.

5. Heard the learned Government Advocate (Criminal side) for the respondent.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No. I, Karur and on each of them executing a 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 learned Magistrate concerned and on further condition that the petitioners 1 to 3, 5 to 8 and 11 in CrI.O.P (MD) No. 20209 of 2015 shall appear before the respondent police daily at 10.00 a.m until further orders and the petitioners 4, 9 and 10 in CrI.O.P (MD) No. 20209 of 2015 and the petitioner in CrI.O.P (MD) No. 20181 of 2015 shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

30/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO. I, KARUR.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KARUR.

+1. CC to M/S A. UTHAYAKUMAR, Advocate SR.No. 63760

+1cc to M/s. N. SHANMUGASELVAM, Advocate in SR.No. 63973

+1cc to M/s. S. KARTHIK, Advocate in SR.No. 63628

ORDER IN

CRL OP (MD) Nos. 20209 & 20181 of 2015

Date : 30/10/2015