



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.21880 and 23037 of 2015

GANESAN

... PETITIONER/ACCUSED RANK NOT KNOWN
IN CRL OP(MD) No.21880 OF 2015

1. ANTHONYSAMY
2. MURUGESAN
3. RAMAIAH
4. MURUGAN

... PETITIONERS/ACCUSED 3 TO 6
IN CRL OP(MD) No.23037 OF 2015

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO NOT KNOWN OF 2015 IN CRL OP(MD) No.21880 OF 2015
CRIME NO.149 OF 2015 IN CRL OP(MD) No.23037 OF 2015

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

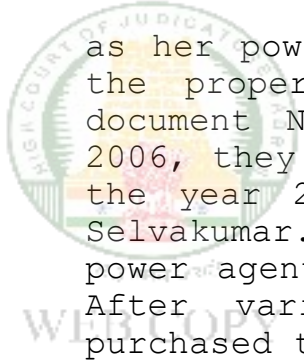
FOR PETITIONER : M/S.D.VENKATESAN, ADVOCATE
IN CRL OP(MD) No.21880 OF 2015
: M/S.T.LENIN KUMAR, ADVOCATE
IN CRL OP(MD) No.23037 OF 2015
FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as an accused Nos.2 to 6, apprehend arrest at the hands of the respondent police for an alleged offences punishable under Sections 420, 465, 468, 471, 474 and 120(b) of IPC, in Crime No.149 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that originally the land belonged to one Sudalaikannu. The said Sudalaikannu executed a gift deed in favour of Valliammai in the year 1972 bearing document NO.919/1972. In the year 1994, the said Valliammai executed a power of Attorney bearing document No.359/1994 appointing A.K.Christopher



as her power agent to deal with the property. A.K.Christopher sold the properties to one Vasanthakumari and one Vilasini, bearing document Nos.1070/1994 and 1067/1994 respectively. In the year 2006, they appointed one Rajendra Rajan as their Power agent and in the year 2007, the said Rajendra Rajan sold the property to one Selvakumar. The said Selvakumar appointed one Vijayakumar as his power agent. The said Selvakumar sold the property to one Vinaya. After various transactions, the defacto complainant's company purchased the property in the year 2014. They purchased the property from lawful owners and they are in possession and enjoyment of the property from that date. Whiles, the first accused Shanmugasundaram, who is the son of Sudalaikannu executed a settlement deed in favour of his son Ganesan A2. The said Ganesan/A2 executed a sale agreement in favour of one Anthonysamy/A3 alleging that they are the owners, knowing fully well that the property was gifted in the year 1992 itself by father of the Shanmugasundaram, original owner to Valliammai. After number of transactions, the petitioners created documents by executing settlement deed and entered into an agreement of sale. The petitioners 2 to 6 are the attesting witnesses and they are trespassed into the defacto complainant's land and threatened him with dire consequences.

3.The case of the petitioner in CrI.O.P(MD)No.21880 of 2015 is that the petitioner's grand-father is the original owner and he purchased the property on 30.12.1968. After death of his grand-father, his father Shanmugasundaram inherited the property. By the settlement deed, dated 23.07.2013 he settled the property in his favour. The vendors of the de-facto complainant without having any title made encumbrances in the property. With regard to that, a civil suit in O.S.No.123 of 2014 was filed on the file of the District Munsif, Nanguneri for injunction and the same is pending.

4.The case of the petitioners in CrI.O.P(MD)No.13037 of 2015 is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner purchased the property for valuable sale consideration and without knowing any encumbrance. The other accused are arrayed as accused only on the ground that they are the attesting witnesses for settlement deed and agreement of sale.

5.The learned Government Advocate (CrI.side) submitted that the original owner of the property executed a gift deed in favour of one Valliammai in the year 1972 itself. After number of transactions from the year 1972, the de-facto complainant purchased the property in the year 2014 and they are in possession from that date. On 08.10.2015 the petitioners trespassed into the de-facto complainant's property and threatened them with dire consequences.

6.From the facts and circumstances of the case, it is seen that in the year 1972 itself, the original owner Sudalaikannu gifted the property in favour of one Valliammai and after number of



transactions from the year 1972 to 2014, the defacto complainant purchased the property in the year 2014.

7. In view of this fact, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

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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,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.21880 and 23037 of 2015
Date :10/12/2015

AM
TE/GSV-AN/SAR-II : 22/12/2015 : 3P/3C