



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2243 of 2015

WEB COPY

R.P.SURYASHANKAR

... PETITIONER/ACCUSED A2
Vs

STATE REP BY THE INSPECTOR OF POLICE

ANTI LAND GRABBING CELL, K.K.NAGAR, TRICHY,

IN CR.NO.14 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A. ANANDAN Advocate

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 13.02.2015, while granting interim anticipatory bail to the petitioner, this Court passed the following order:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 465, 467, 468, 471, 420 and 506(i) of Indian Penal Code, in Crime No.14 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. On 10.02.2015, this Court passed the following order:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 465, 467, 468, 471, 420 and 506(i) IPC in Crime No.14 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the land originally belongs to one Chellammal the mother of the defacto complainant. While so, Kandasamy(A1) had created the documents as if the land belongs to him and had sold the same to one Suriyasankar(A2), the petitioner herein in the year 2008.

3. The learned counsel for the petitioner submits that the petitioner is *bonafide* purchaser and he did not know the land belongs to someone else. He would further submit that the petitioner is working as Lecturer in a College and he is a respectable person and he is ready and willing to settle the issue. If that is so, the petitioner is directed to file an affidavit before this Court regarding cancellation of

sale deed. Post on 13.02.2015 for orders."



3. Pursuant to the order passed by this Court, the petitioner has sworn to file an affidavit, in which, paragraph Nos.3 and 6, he had stated as follows:

"3. I respectfully submit that I visited the land in Punjaisangenthi Village, verified the patta No.183450 which is in the name of Kamaraj and also verified the 'A' register of Punjaisangenthi Village. After the verification of the above said documents and the insistence of Mr.Gandhi I purchased the property in Survey No.358/10A and 358/10B in Punjaisangenthi Village, from Kamaraj for the valuable consideration. To the effect of the sale in the year 2008 and I applied for the change of patta in the Lalgudi Registrar Office and thereby I obtained the Patta in my name. I being a *bona fide* purchaser I was under the impression that I purchased the property according to law.

6. I respectfully submit that I am very much willing to settle the matter with Kamaraj. Further I am very much willing to cancel the sale deed which was registered in the year 2008 and to settle the matter with all the parties in the Criminal case. I being a *bona fide* purchaser I shall compromise with Kamaraj and will obtain the returns for the land."

4. In view of the undertaking given by the petitioner, I am inclined to grant interim anticipatory bail to the petitioner for a period of two weeks. Accordingly, in the event of arrest, the petitioner is ordered to be released on interim anticipatory bail till 27.02.2015, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) without sureties to the satisfaction of the Arresting Officer."

2.Today, the petitioner has filed an affidavit, dated 16.03.2015. In paragraph Nos.3 and 4 of the affidavit, it is stated as follows:

"3. I respectfully submit that on the basis of the said affidavit, their Lordship has granted me an interim anticipatory bail upto 27.02.2015 and in the mean time directed me to cancel the sale deed. Based on the sale direction, I have cancelled the sale deed on 27.02.2015 and also reported before the respondent Police and recorded the 161(3) statement.

6. I respectfully submit that I have cancelled the sale deed dated 15.07.2008 on 27.02.2012 and recorded the 161(3) statement before the respondent police to prove my *bonafide* and innocence."

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

3.Learned counsel for the petitioner also submitted a photocopy of the cancellation deed, which was submitted to the Registrar for



registration and it is stated that registration of that document is pending.

4. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge, Land Grabbing, Trichy on condition that the petitioner shall execute 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 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 petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
17/03/2015

/ TRUE COPY /

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

TO

- 1 THE SPECIAL JUDGE, LAND GRABBING, TRICHY
- 2 THE INSPECTOR OF POLICE, ANTI LAND GRABBING CELL,
K.K.NAGAR, TRICHY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.A. ANANDAN Advocate SR.No.12555

ORDER
IN
CRL OP(MD) No.2243 of 2015
Date :17/03/2015