



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

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.22412 of 2014

1 SAWARIMUTHU
2 CHELLASAMY

... PETITIONERS/ACCUSED NO. 1 & 2

Vs

THE INSPECTOR OF POLICE
SERNTAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.259 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.A.AJMALKHAN Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

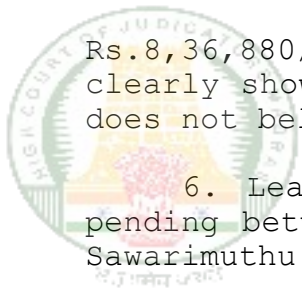
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 467, 468 and 420 IPC in Crime No.259 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. This is second anticipatory bail petition and the first anticipatory bail petition in Crl.O.P.(MD) No.19887 of 2014 was dismissed by this Court on 20.11.2014, by a well considered order. It is the case of the defacto complainant that the land in question measuring 1 acre 78 cents in S.No.436/2 in Poigai Village, belongs to the defacto complainant and he having acquired it by a release deed registered as Doc.No.742/2009. In this regard, earlier one Arunachalanadar and Pandiyammal executed a sale deed in respect of the said land in favour of A2 (Chellasamy) on 26.12.2008 by Doc.No.3241 of 2008. When the defacto complainant came to know about it, he lodged a complaint.

4. Before Police, Chellasamy agreed that he will cancel the sale deed. Accordingly, the sale deed, namely, Doc.No.3241 of 2008 was cancelled vide Doc.No.563/2010 on 19.02.2010. Even in the cancellation deed dated 19.02.2010, it is clearly stated that the land in S.No.436/2 ought not to have been dealt with and the sale deed should have been only for S.No.436/1. Now, the same Chellasamy has obtained a sale deed from one Sawarimuthu, who is aged about 80 years, as if the said land in S.No.436/2 belongs to the said Sawarimuthu.

<https://hcservices.courts.gov.in/hcservices> It is seen that the said Sawarimuthu has registered a sale deed in favour of Chellasamy on 08.03.2014 vide Doc.No.819 of 2014. Even in the sale deed, it is stated that the value of the property is



Rs.8,36,880/-, but the sale is being done for Rs.4 lakhs. Thus, it clearly shows that these petitioners are dealing with the property, which does not belong to them and they created encumbrance in the property.

6. Learned counsel for the petitioners submits that civil suit is pending between the parties and therefore, the sale is valid inasmuch as Sawarimuthu (A1) has got title to the property.

7. On the conspectus of the facts obtaining in this case, it is clear that when the suit is pending amidst parties in respect of the property, the very registration for flea-bite price does arise suspicion.

8. In view of the serious nature of allegations against these petitioners, this Court is not inclined to grant anticipatory bail to them. Hence, the Criminal Original Petition is dismissed.

sd/-
27/01/2015

/ TRUE COPY /

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

TO

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

SR : 30.01.2015 : 2p/3c

ORDER
IN
CRL OP(MD) No.22412 of 2014
Date :27/01/2015