



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

Thursday, the Third day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22805 of 2015

SURESH RAMAN NADAR

... PETITIONER / 1ST ACCUSED

Vs

THE STATE REP.BY THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO. 24/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.ANANDHAVALLI Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

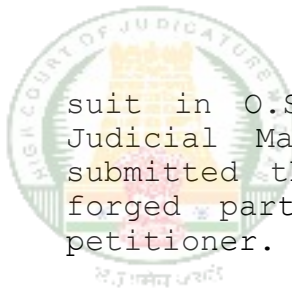
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is the accused No.1, in Crime No.24 of 2015 on the file of the respondent police, was arrested and remanded to judicial custody on 16.11.2015 for the alleged offences punishable under Sections 465, 468 and 471 of IPC and hence, seeks bail.

2. The case of the prosecution is that the property in question measuring an extent of 10 cents and 800 Sq.links in S.No.409/09 along with other properties originally belonged to one Thangamani Nadar and the said Thangamani Nadar has sold the same to the de facto complainant. The petitioner and others gave an undertaking letter, dated 31.03.2005 that they will not initiate any civil and criminal proceedings against the Thangamani Nadar and they have also given no objection to the de facto complainant for using the North-South pathway, in the middle of R.S.No.409/09. After the death of said Thangamani Nadar, the petitioner and others created forged partition deed and threatened the de facto complainant's mother and therefore, the present case has been registered.

3. The learned counsel for the petitioner submitted that the property in S.No.409/09 is one of the property belonged to Thangamani Nadar who has purchased the same along with joint family property along with his brother, the father of the petitioner herein. The said Thangamani Nadar died issueless. The legal heirs of said Chellathangam partitioned all the properties in the year 2007 and the property in question was allotted to the petitioner. From that date onwards, the petitioner is in possession and enjoyment of the same and the de facto complainant started to disturb the petitioner's possession and enjoyment and therefore, he has filed a



suit in O.S.No.131 of 2014 on the file Principal District Munsif cum Judicial Magistrate, Eraniel for permanent injunction. He further submitted that the petitioner is innocent and he has not created the forged partitioned deed and he prays for granting of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the said Thangamani Nadar sold the property in question to the de facto complainant and he died as bachelor. A2 to A6 and the petitioner are legal heirs of the Chella Thangam, brother of Thangamani Nadar. Further, A7 and A8 are the attesting witnesses. After the death of the said Thangamani Nadar, the petitioner and other accused partitioned the property, including the property sold to the defacto complainant and changed the patta in their name. On the complaint given by the de facto complainant, a case has been registered and the investigation is in preliminary stage.

5. From the materials on record it is seen that the de facto complainant claimed that Thangamani Nadar sold the property in question to the de facto complainant and he is in possession and enjoyment of the property, by constructing shops. Further, the petitioner and others are legal heirs of Chellathangam, viz., brother of Thangamani Nadar and they have partitioned the property, money including the property sold by the Thangamani Nadar to the de facto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that the investigation is in preliminary stage, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Original Petition is dismissed.

sd/-
03/12/2015

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

+1. CC to M/S J.ANANDHAVALLI Advocate SR.No. 69167.

TS/04.12.2015/2P-5C/DP-JGB/SAR - I

ORDER IN
CRL OP(MD) No.22805 of 2015
Date :03/12/2015