



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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.2318 of 2015

1 SAVARIMUTHU NADAR
2 CHELLASAMY

... PETITIONERS/ACCUSED NOS.1 & 2

Vs

THE INSPECTOR OF POLICE
SERNTAMARAM POLICE STATION,
TENKASI TALUK, TIRUNELVELI DISTRICT.
IN CR.NO.259 OF 2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.J.JOHN Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

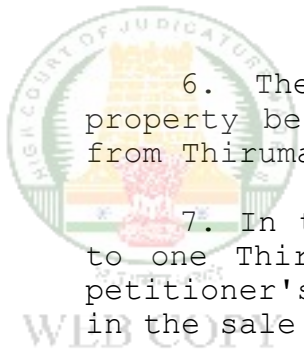
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 467, 468 and 420 IPC in Crime No.259 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) 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 on 20.11.2014 by a well considered order.

4. The case of the prosecution is that the property in Survey No.436/2 measuring 1 acre and 78 cents, situate in Pogai Village, is the ancestral property of the defacto complainant and the father of the defacto complainant Thirumalaiyandi Thevar obtained the title to the property by a release deed registered in Doc.No.742 of 2009. While so, it is alleged that Chellachamy/A2 in this case had purchased the said property on 26.12.2008 by Doc.No.3241 of 2008 from one Pandiammal and Arunachala Nadar. When it came to the knowledge of the defacto complainant, he lodged a complaint before the superintendent of Police and the said Chellasamy appeared before the Superintendent of Police on 19.02.2009 and agreed to rectify the same. Accordingly, Chellachamy and his vendors Arunachala Nadar and Pandiammal registered a rectification deed, which was registered as Doc.No.563 of 2010.

5. Now, it is stated that even after that, the second petitioner is having eye over the property and he created a sale deed in respect of the property and registered a registered Doc.No.819 of 2014 as if the said property belongs to Savarimuthu Nadar (the 1st petitioner herein).



6. The learned counsel for the petitioners submitted that the property belongs to one Savarimuthu Nadar and he purchased the property from Thirumalaiyandi Kavirayar.

7. In the Doc.No.819 of 2014, it is stated that the property belongs to one Thirumalaiyandi Nadar. From him, Anthony Muthu Nadar, the first petitioner's father has purchased the same and thereafter, it is stated in the sale deed that the 1st petitioner inherited the same.

8. Thus, even according to the 1st petitioner, he inherited the property and he had not purchased the same from anyone. But, earlier the same property was said to be belonging to Arunachala Nadar and Pandiammal. Now, suddenly, the property vests with Anthony Muthu Nadar.

9. Thus, it is clear that these petitioners, without any right or title over the defacto complainant's property have been deliberately created encumbrances.

10. Taking into consideration 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/-
23/02/2015

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

TO

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

SR : 27.02.2015 : 2P/3C

ORDER
IN
CRL OP(MD) No.2318 of 2015
Date :23/02/2015