



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.24102 of 2015

C.SURESH RAMAN NADAR

... PETITIONER/ ACCUSED NO.1

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, NAGERCOIL,

KANYAKUMARI DISTRICT

CR.NO.24 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SURI Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, 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 to 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 said 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 the 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 his brother viz., Chellathangam, the father of the petitioner herein. The said Thangamani Nadar died issueless. The legal heirs of the 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 partition 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 de facto 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. This Court by order dated 03.12.2015, dismissed the earlier petition filed by the petitioner. The petitioner is in judicial custody from 16.11.2015 and the investigation is pending.

6. The learned Government Advocate (Crl. side) submitted that the petitioner and others partitioned the property including the property, which was already sold to the de-facto complainant by one Thangamani Nadar. He further submitted that now, the petitioner has come out with the present petition on the ground that the case has been registered on 16.03.2015 and the petitioner is in judicial custody on 16.11.2015.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 16.11.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.I, Nagercoil and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-

17/12/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
2. -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER-IN-CHARGE, DISTRICT PRISON, NAGERCOIL.
- 5 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL, KANYAKUMARI DISTRICT

+1. CC to M/S M.SURI Advocate SR.No.72274

Akm/17.12.2015/ 2p- 7c/SKN/SK/SAR-I ORDER
IN

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

CRL OP(MD) No.24102 of 2015
Date :17/12/2015