



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3239 of 2015

1 THIRUPATHY

2 RAMARAJ

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH,

ANTI LAND GRABBING SPECIAL CELL,

DINDIGUL, DINDIGUL DISTRICT.

CRIME NO.155 OF 2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

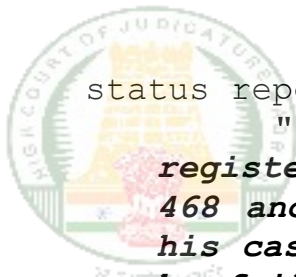
ORDER : The Court Made the following order :-

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side).

2. This case has been registered pursuant to the directions issued by this Court in Crl.O.P.(MD).No.18484 of 2013 for offences under Sections 120(B), 465, 468, 471, 294(b) and 506(i) of I.P.C.

3. Today, the respondent police is present and a status report has been filed by Mr.D.Murugan, the Inspector of Police, District Crime Branch, Dindigul District, in which he has narrated the substance of the complaint.

4. According to the de-facto complainant, the property in question measuring about 20 acres of land in Keelakottai Village was in possession and enjoyment of the de-facto complainant's father viz., Pattaya Gounder. After the death of Pattaya Gounder, the said property devolved upon the de-facto complainant. Now it is alleged by the de-facto complainant that the petitioners have created forged document relating to the properties of the de-facto complainant and sold the same to some other persons. The Investigating Officer took over the investigation of the case and in the course of investigation, he found that the third and fourth accused by name Palanivel and Gunasekaran had died. In paragraphs-4 and 5 of the



status report, it is stated as follows:

"4. I submit that the case of the de-facto complainant registered against the petitioners is under Sections 465, 468 and 471 of I.P.C. The defacto complainant has to prove his case by submitting relevant documents in his favour. But he failed to do so. In his complaint also he mentioned the survey nos. plainly and further stated that the properties are the ancestral properties of the defacto complainant's father. Not even a single document has not been filed by the defacto complainant before me to made the enquiry efficiently.

5. I humbly submit that as per the direction of this Hon'ble Court I have perused the complaint and all the records submitted by the petitioners herein and also enquired both the parties, it is made clear that the case of the de-facto complainant is the civil in nature. If he wants to prove his case, he must have to file relevant documents in his favour. It is pertinent to note that the revenue records has also been changed. In this circumstances the defacto complainant will get the remedy after made clearance from the revenue records. The duty to change, correct, modify in revenue records will lie only on the revenue authorities not lie on the other officials like me. The petitioners/accused have relevant documents to prove their title on the disputed property. On the other hand, the defacto complainant is in empty hand. Hence, the case has been closed as mistake of fact and the parties have been advised to move before the concerned Court for their remedy."

5. This Court appreciates the manner in which Mr.D.Murugan, the Inspector of Police, District Crime Branch, Dindigul District has proceeded with the investigation and filed the status report.

6. In view of what is stated in the status report, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul on their 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 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 petitioners shall report before the respondent police daily at 06.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[b] the petitioners shall give their thumb impressions, specimen signatures and handwritings.



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned 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]**.

[f] The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

09/03/2015

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,DINDIGUL
- 2 THE CHIEF JUDICIAL MAGISTRATE,DINDIGUL
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
DINDIGUL,DINDIGUL DISTRICT.
- 4 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVARAJ Advocate SR.No.11112

ORDER

IN

CRL OP(MD) No.3239 of 2015

Date :09/03/2015

AA/12.03.2015/3p- 6c/