



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

Monday, the Twenty Third day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.3353 of 2015

1 BALASUBRAMANIAN
2 SENTHILKUMAR
3 SUBBULAKSHMI
4 MALATHI ...PETITIONERS /ACCUSED NO. 12 TO 15
5 ARUMUGALATHA ... PETITIONER/ ACCUSED NO.17

Vs

THE INSPECTOR OF POLICE
TALUK POLICE STATION, SANKARANKOIL,
TIRUNELVELI DISTRICT.
(CRIME NO.23/2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SANKAR Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.S.RAVI, Advocate

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

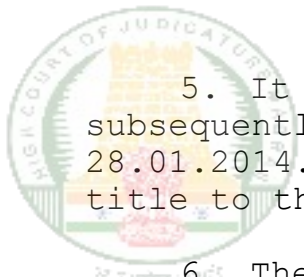
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 120(b), 420, 506(ii) I.P.C. in Crime No.23 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is the case of the defacto complainant that the property in question measuring to an extent of 2 Acres 2 Cents in Kalappakulam Village originally belonged to one Vellaiyappa Achari, who had two sons by name Nellaiyappa Achari and Kadarkarai Perumal Achari. According to the defacto complainant, the property that devolved on Kadarkarai Perumal Achari was sold by him to the father of the defacto complainant on 25.11.1964. After the death of the father of the defacto complainant, the property devolved upon the defacto complainant. While so, it is alleged that the petitioners 2 to 5 are claiming ownership to the property as if they are the legal heirs of Kadarkarai Perumal Achari and the fourth petitioner by name Malathi has given a power of attorney to Balasubramanian, first petitioner herein.

4. The learned Counsel for the petitioners submits that Kadarkarai Perumal Achari will sign in English, but whereas in the sale deed given by Kadarkarai Perumal Achari to the father of the defacto complainant, it is in Tamil.



5. It is seen that the patta obtained by the petitioners was subsequently cancelled by the Tahsildar by proceedings dated 28.01.2014. In the opinion of this Court, patta cannot confer any title to the property.

6. The learned Government Advocate (Crl.Side) on instructions from the respondent police would submit that these petitioners are involved in similar case in Cr.No.159 of 2014, on the file of Sankarankoil Taluk Police Station for the alleged offences under Sections 420, 465, 468 and 471 I.P.C.

7. The learned Counsel for the petitioners would submit that these petitioners were granted anticipatory bail in that case. Perhaps the fact that these petitioners were granted anticipatory bail in a similar land grabbing case in Crime No.159 of 2014, has emboldened them to continue committing similar offences with impunity. All the petitioners know full well that Kadarkarai Perumal Achari had sold the property to the father of the defacto complainant way back in the year 1964. Despite that, Senthilkumar / 2nd petitioner, Subbulakshmi / 3rd petitioner and Malathi / 4th petitioner herein have given a Power of Attorney in the name of Balasubramanian / 1st petitioner herein, who claims himself to be the son of Kadarkari Shanmugam Asari. On the strength of the Power of Attorney, the property of the defacto complainant has been sold in bids and pieces to various persons, namely, Navaneethakrishnan and Arumugalatha. Therefore, custodial interrogation of these petitioners is essential in a case of this nature, where they are dealing with the property that does not belong to them and creating encumbrances to the property of the defacto complainant.

8. In the result, this Criminal Original Petition is dismissed.

sd/-
23/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE INSPECTOR OF POLICE
TALUK POLICE STATION, SANKARANKOIL, TIRUNELVELI DISTRICT.
2. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAVI, Advocate SR.No. 14163

SR : 25.03.2015 : 2P/4C

ORDER
IN
CRL OP(MD) No.3353 of 2015
Date : 23/03/2015