



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

Thursday, the Twenty Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6446 of 2015

WEB COPY

1 SUGUMARAN
2 TMT. STAR JAYALAT
3 DR. SUJAI

... PETITIONER(S) / ACCUSED 2 - 4

Vs

B. PILMAR ROBERT

..INTERVENOR

STATE REP BY:: THE INSPECTOR OF POLICE
ANTI LAND GRABBING WING, NAGERCOIL,
KANYAKUMARI DT, CR.NO. 14 OF 2015

... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate
For Intervenor : Mr. M. DENNIS JOE, Advocate
For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

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

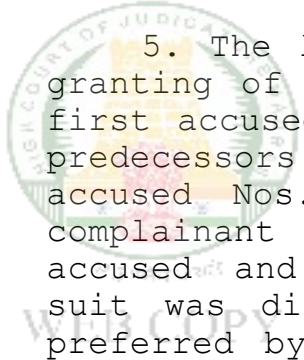
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A-2 to A-4 in Crime No.14 of 2015 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 420, 465, 467, 468 and 471 of I.P.C and hence, seek anticipatory bail.

2. According to the defacto complainant, she is the owner of the property as per the registered Will executed by her grand mother in favour of her mother. But, A-1 by creating documents and forging the signature of the defacto complainant, sold the property to accused Nos.2 to 4 on 24.09.1986 and thereby cheated the defacto complainant.

3. The learned counsel for the petitioners submitted that the petitioners are bonafide purchasers and they purchased the property to an extent of five cents by a registered sale deed, dated 24.09.1986 and after a lapse of 25 years, the present complaint was filed.

4. It is further submitted by the learned counsel for the petitioner that the defacto complainant claims right over the property to an extent of 1.35 acres and in respect of 1.30 acres a separate criminal case is filed and in that case, the first accused and second accused were arrested and released on bail and the accused Nos.3 and 4 were granted anticipatory bail. However having not satisfied with the earlier complaint, the present complaint was filed with an ulterior



5. The learned counsel for the intervenor vehemently opposed the granting of anticipatory bail to the petitioners contending that the first accused is only a tenant under the defacto complainant and his predecessors and he forged the documents and sold the property to accused Nos.2 to 4. It is further submitted that the defacto complainant filed a suit in O.S.No.266 of 1984 against the first accused and one Annathasi for recovery of possession. Though the said suit was dismissed by the trial Court on 19.11.1999, the appeal preferred by the plaintiff was allowed and the suit was decreed on 28.02.1996 and the second appeal filed by the defendants was dismissed on 14.03.2012. The learned counsel further submitted that as per the civil Court decree, the defacto complainant is the owner of the property.

6. Heard the learned Government Advocate(Crl. Side).

7.Considering the fact that the petitioners are purchasers of the property by a registered sale deed dated 24.09.1986 and the present complaint was given in the year 2015, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Padmanabhapuram, Thakkalai, Kanyakumari District and on executing a separate 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 Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders and the petitioners 2 and 3 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

23/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE PADMANABHAPURAM
THUCKALAY KANYAKUMARI DIST
2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING WING, NAGERCOIL, KANYAKUMARI DT
4 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.41057

1cc TO MR. M DENNIS JOE, ADV SR: 41027 ORDER IN

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

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Date :23/07/2015