



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

Wednesday, the Third day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9683 of 2015

1 DHASAMMAL
2 NATARAJAN
3 SHERLI
4 SUNIL
5 PAULRAJ

... PETITIONER(S) / ACCUSED 1 to 4, & 10

Vs

THE STATE REP. BY THE SUB INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, NAGERCOIL,
KANYAKUMARI DIST, (IN CRIME NO. 39/2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.C.KISHORE Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

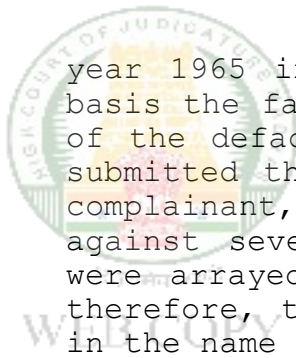
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A4 and A10, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 403, 406, 463, 464, 465, 468, 471 and 420 I.P.C in Crime No.39 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the ancestors of the defacto complainant are owners of the property in dispute, the accused have created the documents to grab the property of the defacto complainant and also cheated him.

3.The learned counsel for the petitioners submitted that the land to an extent of 56 acres in old Survey No.2180A, originally belong to the ancestors of Raman Nair and he had mortgaged the properties to various persons and the property called Kakkattu Puraiyidom in old Survey No.2180A was mortgaged in favour of the defacto complainant's ancestors and other properties in Survey Nos. 684/1A1A and 684/3 to an extent of two acres were mortgaged in favour of the ancestors of the first petitioner. The said Raman Nair instituted a suit in O.S.No.737 of 1971 against the ancestors of the defacto complainant for redemption and recovery of possession of the property in Kakattu Puraiyidom. Though the suit was decreed, the judgment and decree was reversed by the High Court in S.A.No.1753 of 1977. The learned counsel further submitted that the ancestors of the defacto complainant had entered into a partition in the



year 1965 in respect of the property in Kakattu Puraiyidom and on that basis the father of the defacto complainant settled his property in favour of the defacto complainant in the year 2013. The learned counsel further submitted that one Thangaraj, who is the father's brother of the defacto complainant, had instituted a suit in the year 1996 in O.S.No.443 of 1996 against several persons including the ancestors of the petitioners, who were arrayed as D11 and D12. But he could not succeed in the suit and therefore, the father of the defacto complainant had created the document in the name of the settlement deed in the year 2013.

4. The learned counsel further submitted that the property in possession of the first petitioner was not the subject matter in suits initiated by Raman Nair and Thangaraj. While so, a false complaint was given against the petitioners. The learned counsel further submitted that a false complaint was given against A5 to A8, who died long back.

5. The learned Government Advocate (Crl.side) submitted that the accused have fabricated document to grab the property of the defacto complainant.

6. Considering the facts of this case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Special Judicial Magistrate Court, Special Court for Land Grabbing Cases, Tirunelveli, on each of them 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 petitioners 2, 4 and 5 shall appear before the respondent police daily at 10.00 a.m until further orders and the petitioners 1 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/-
03/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE SPECIAL JUDICIAL MAGISTRATE COURT, SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI
2 THE SUB INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, NAGERCOIL, KANYAKUMARI DISTRICT.
3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1. CC to M/S.C.KISHORE Advocate SR.No. 27423.
TS/05.06.2015/2P-5C