



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

Tuesday, the Nineteenth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.20008, 19591 and 19703 of 2015

G. RAJESH

... PETITIONER/ ACCUSED No.6
IN CRL.O.P(MD)NO.20008/2015

1.ESAKKIMUTHU
2.KANMANI
3.SURESH
4.MARISELVAM
5.SURESH
6.PERUMAL

... PETITIONERS/ACCUSED NO.2 TO 7
IN CRL.O.P(MD)NO.19591/2015

S.AARON

... PETITIONERS/ACCUSED NO.9
IN CRL.O.P(MD)NO.19703/2015

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
***CITY CRIME BRANCH,**
TIRUNELVELI DISTRICT.
(CRIME NO. * **NOT KNOWN** OF 2015)

... RESPONDENT/ COMPLAINANT
IN ALL THE PETITIONS

(* Amended as per the order of the Honourable court dated 02.12.2015 and made in MP(MD)No.1/2015 in Crl.O.P(MD)No.20008/2015)

(* Amended as per the order of the Honourable court dated 02.12.2015 and made in MP(MD)No.2 & 2/2015 in Crl.O.P(MD)No.19591 & 19703/2015)

For Petitioner : Mr.P.PETHU RAJESH Advocate IN ALL THE PETITIONS

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)
IN ALL THE PETITIONS

For Intervenor : MR.V.KATHIRVEL SENIOR COUNSEL FOR Mr.K.Prabhu Advocate
(in Crl.OP(MD).Nos.19591/15 & 19703/15)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused in Crime No. Not known of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 447, 420, 426, 465, 467, 471, 468, 379 r/w 120(b) of IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that A1 had created forged documents pertaining to the defacto complainant as if he got the power of attorney of the lands in question conspiring with A2 to A8 and executed



the sale deeds in favour of A2 to A8 with full co-operation of A9 and damaged the standing trees in the lands and caused financial loss to the defacto complainant. On the complaint, the case has been registered for the aforesaid offences.

3. i) The case of petitioners in Crl.O.P.(MD) Nos.20008 of 2015 and 19591 of 2015 is that the defacto complainant does not have any title over the land in Survey Nos. 602/1, 602/2 and the same belonged to one Muthaiah and after his death, his wife Arunachala Vadivu was enjoying the said land and thereafter, the said Arunachala Vadivu also died. After her death, the legal heirs of the said Arunachala Vadivu were enjoying the said land. The legal heirs of the said Arunachala Vadivu namely, Muthurani, Manthiramoorthy and Sivasenthilkumar had executed a release deed in favour of their brother Mathivanan, who is arrayed as A1 and after execution of the release deed, the first accused sold the property and the petitioners are innocents and they have no bad antecedents.

ii) The case of the petitioner in Crl.O.P.(MD) No.19703 of 2015, who is the Sub Registrar, is that the third accused purchased the land from the power of attorney of the first accused and the title of the defacto complainant restricted only with regard to Survey No.588 and apart from that, the defacto complainant does not have any locus standi over the lands in Survey Nos.602/1 and 602/2. Before registering the document executed in favour of the third accused, the petitioner completely verified the earlier document and checked whether there is any encumbrance upon the property and after ascertaining the same, the petitioner registered the document as the Sub Registrar and he has only discharged his official duty and he is innocent and he has no bad antecedents.

4. The learned counsel appearing for the intervenor submitted that the defacto complainant is the owner of the lands in Survey Nos.602/1 and 602/2. A1 to A8 colluded together and forged the documents and executed the sale deed in their favour. The petitioner in Crl.O.P.(MD) No.19703 of 2015/A9, who is the Sub Registrar, without properly verifying the documents registered the sale deeds. A1 to A8 cut the trees and sold the same. When the same was questioned, they have threatened with dire consequences.

5. The allegation against the petitioners is that A2 to A8 in connivance with A9, have created false documents and sold the property belong to the defacto complainant.

6. Considering the facts and circumstances of the case and also considering the fact that the documents are registered documents and custodial interrogation is not necessary, 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 No.I, Tirunelveli, and on their 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 Crl.O.P.(MD) Nos.20008 of 2015 and 19591 of 2015 in shall appear before the respondent police daily until further orders and the petitioner in Crl.O.P.(MD) No.19703 of 2015/A9 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition



7.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/-

19/01/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+3. CCS to Mr.P.PETHU RAJESH Advocate SR.No.2665, 2666 & 2667
+1cc to Mr.K.PRABHU, Advocate SR.No.2944

ORDER
IN
CRL OP(MD) Nos.20008, 19591
and 19703 of 2015
Date :19/01/2016

CM
NS/NGM-SS/SAR II/22.01.2016 : 3P/9C