



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

Friday, the Twelfth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.24451 of 2015

1 VILLAVANKOTHAI
2 T.SAKTHEESWARI
3 S.LATHA
4 G.SAKTHIVEL
5 S.PANNEERSELVAM

... PETITIONERS/ACCUSED No.1 to 5

Vs

STATE REP BY
INSPECTOR OF POLICE,
E1-K.PUDUR POLICE STATION,
MADURAI CITY.
CRIME NO.1154/2015

... RESPONDENT/COMPLAINANT

FOR PETITIONER No.1 : M/S.VILLAVANKOTHAI (PARTY IN PERSON)
FOR PETITIONER Nos.2 to 4 : MR.R.VENKATESAN, ADVOCATE
FOR RESPONDENT : MR.A.P.BALASUBRAMANI,
GOVERNMENT ADVOCATE (CRL. SIDE)
FOR DEFACTO COMPLAINANT : MR.N.ANANTHA PADMANABHAN, PARTY IN PERSON

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

ORDER : The Court Made the following order :-

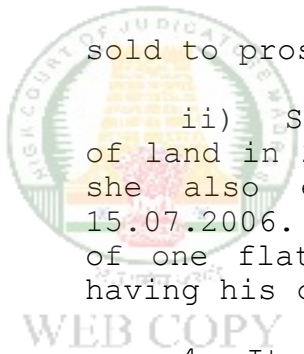
Reserved on	Pronounced on
10.02.2016	12.02.2016

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 467, 468, 471, 120(b), 294(b) and 506(ii) IPC in Crime No.1154 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard Mr.Villavankothai / Party-in-Person (1st petitioner), Mr.N.Anantha Padmanabhan / Party-in-Person (defacto complainant) and learned Government Advocate (Crl.Side) appearing for the State.

3. The bare facts that are required for determination of this petition can be briefly summarized as follows:

i) Villavankothai (1st petitioner/accused) and Anantha Padmanabhan (defacto complainant) are practising Advocates. Villavankothai and his mother Saktheeswari had purchased about 59 cents of land from a Church Congregation sometime in the year 1997 and they promoted apartments to be



sold to prospective purchasers together with the undivided share of land.

ii) S.Radha, Wife of Anantha Padmanabhan purchased undivided share of land in 26 cents from Saktheeswari by a sale deed dated 03.07.2006 and she also entered into a builder's agreement with Saktheeswari on 15.07.2006. After construction of apartments, Radha was given possession of one flat, in which her husband Anantha Padmanabhan, at present, is having his office.

4. It is contended by Anantha Padmanabhan that Villavankothai and Saktheeswari are continuing to alienate the lands, though they have sold the entire 59 cents to various apartment purchasers and that there is no residue.

5. On the contrary, it is the case of Villavankothai that he is not dealing with the 59 cents of land, as alleged by Anantha Padmanabhan, but only with about 10.5 cents of land, which was sold to him by his mother by sale deed dated 16.09.2009, over which, the defacto complainant has no title or right. In this regard, Villavankothai has admittedly filed a suit for injunction in O.S.No.404 of 2014 before the learned Additional District Munsif, Madurai and he has also filed I.A.No.72 of 2015 to include the relief of declaration of title in respect of the disputed territory. He has also filed an undertaking affidavit before this Court, wherein he has stated as follows:

"3. I also humbly submit that, the subject matter of complaint a civil suit in O.S.No.404/2014 filed before the learned Additional District Munsif, Madurai and also an interim application in I.A.No.72/2015 (title declaration) in O.S.No.404/2014 on the file of the Additional District Munsif, Madurai Town is pending.

4. I also humbly submit that, I swear and assure that till the civil suit is disposed finally, I will not alienate/encumber in respect of subject matter of the property in the said civil suits."

6. In view of the above, this Court is of the view this is not a case where custodial interrogation of the petitioners is necessary, as the investigation can be done by the Police based on records. Therefore, this Court is inclined 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.VI, Madurai, on condition that each of the petitioner shall execute 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 as and when required for interrogation.

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

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

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



[d] 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]**.

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sd/-
12/02/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
E1-K.PUDUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO MR.R.VENKATESAN, ADVOCATE IN SR NO. 8199
+ 1 CC TO MR.R.VENKATESAN, ADVOCATE IN SR NO. 9101

ORDER
IN
CRL OP(MD) No.24451 of 2015
Date :12/02/2016

AR
TE/GSV-AN/AR-II : 18/02/2016 : 3P/7C