



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10660 of 2016

1 RAMESH
2 SHANMUGANATHAN
3 TAMILARASI

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NAGAMALAI PUTHUKOTTAI POLICE STATION,
MADURAI,
CR.NO.362/2015

... RESPONDENT / COMPLAINANT

MAHALAKSHMI

... INTERVENER PETITIONER/
DEFACTO COMPLAINANT

For Petitioner : M/S S.M.A. JINNAH Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

For Intervener : MR.K.P.NARAYANAKUMAR, Advocate

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

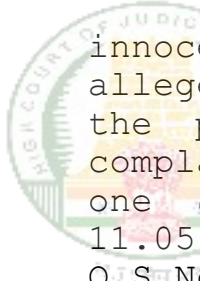
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 468, 471 and 420 IPC, in Crime No.362 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is the owner of the property in Re Survey No.32A/11A1C of Karadipatti Village. She purchased the same by deed of sale dated 06.05.2015, from one Jeyamani through his power agent one Selvam, appointed by Jeyamani vide document No.484/2006, dated 22.11.2006. When the de facto complainant visited the said property, the petitioners 2 and 3 abused her and threatened her with dire consequences. On complaint, case has been registered for the above said offences.

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

3.The case of the petitioners is that the petitioners are



innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are the owners of the property in question and the husband of the de facto complainant namely Mayandi, in order to grab the same, instigated one Jeyanthi to give complaint against the petitioners on 11.05.2011 before the respondent police. A civil suit in O.S.No.165 of 2015 is pending between the said Jeyanthi and the petitioners, before the District Munsif Court, Thirumangalam. The present complaint is filed with a view to threaten the petitioners as a counter-blast for the earlier proceedings.

4.The learned counsel for the intervenor/de facto complainant reiterated the averments made in the complaint and also submitted that the property in question is originally belonged to one Ayyappan Sampan and his brother and they sold the same to one Mamankuruvilla vide Document No.2164/1963 dated 05.06.1963. After the demise of the said Mamankuruvilla, his son Joy has executed a sale deed in favour of one Jeyamani vide document No.900/97 dated 09.04.1997 in respect of the property in question and the said Jeyamani executed a power deed to one Selvam, who in turn, executed a sale deed in favour of the de facto complainant vide document No.1684/15 dated 06.05.2015 and now all the revenue entries in respect of the property in question were changed in the name of the de facto complainant. While so, the petitioners 1 and 2 claiming themselves as grandchildren of Ayyappan Sampan, sold the very same property measuring 1512 square feet vacant land in Survey No.32A/11A1C in Karadipatti Village, to the third petitioner. By the said forged document, the accused are trying to interfere with the peaceful possession and enjoyment of the de facto complainant over the property in question and prayed for dismissal of the petition.

5.The learned Government Advocate (Criminal side) submitted that the petitioners 2 and 3 claiming themselves as grandchildren of Ayyappan Champan, created forged document and sold the property belonging to the de facto complainant, to the third petitioner.

6.Considering the facts and circumstances of the case and also considering the serious nature of allegation levelled against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners and accordingly this petition is dismissed.

sd/-
18/07/2016

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



SMN
TO

1 THE INSPECTOR OF POLICE,
NAGAMALAI PUTHUKOTTAI POLICE STATION,
MADURAI.

2 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to Mr.K.P.NARAYANAKUMAR, Advocate Sr.No.37231

GJM/ARK/PV/SAR-I-27.7.16-3P-4C

ORDER

IN

CRL OP(MD) No.10660 of 2016

Date :18/07/2016