



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

WEB COPY

CRL OP(MD) Nos.10768,10447,10446 AND 10445 of 2016

1 MALLAMMAL

2 THIMMAYAN

... PETITIONERS/ACCUSED No.1 & 2 IN
CRL OP(MD) No.10768 of 2016

PONNAR

... PETITIONERS/ACCUSED No.4 IN
CRL OP(MD) No.10447 of 2016

M.ARUMUGAM

... PETITIONERS/ACCUSED 5 IN
CRL OP(MD) No.10446 of 2016

1 DURAISAMY

2 RAMAKRISHNAN

... PETITIONERS/ACCUSED No.6 & 7 IN
CRL OP(MD) No.10445 of 2016

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
ANTI-LAND GRABBING SPECIAL CELL,
DCB POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 14 OF 2016)

... RESPONDENT/COMPLAINANT IN
ALL THE PETITIONS.

For Petitioner : M/S R.R.KANNAN Advocate in all the petitions

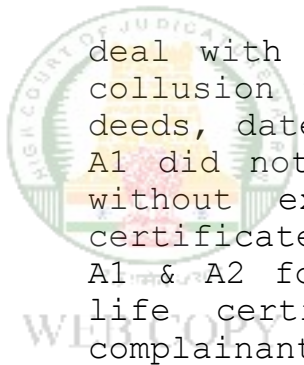
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side) in
all the Petitions.

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1,2,4 to 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 468 and 471 of IPC, in Crime No.14 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution in all the cases is that the defacto complainants are the owners of the agricultural land measuring to an extent of 8 acres 30 cents in Vembur Village, Vendasandur Taluk, Dindigul District. They executed two separate power of attorney, both dated 24.09.2009 registered as document Nos.159 and 160 of 2009 appointing A1 wife of A2 as their agent to



deal with the property including the sale of the property. A1 in collusion with other accused sold the property to A3 by two sale deeds, dated 24.04.2016 for a sale consideration of Rs.22,62,500/-. A1 did not pay any amount to the defacto complainants. A4 Doctor without examining the defacto complainant, has given a life certificate as they have appeared before him and signed before him. A1 & A2 forged the signature of the defacto complainant, obtained life certificate by affixing the scan photograph of defacto complainants 1 & 2 and photo of third party impersonating the third defacto complainant although she is third defacto complainant/Sowmya. On complaint, case has been registered for the above said offences.

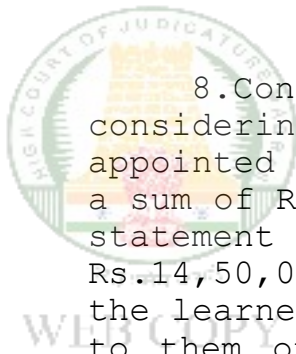
3.The case of the petitioners in Crl.O.P(MD)No.10445 of 2016 is that the petitioners are the attesting witnesses. A1 executed two sale deeds in favour of A3. The petitioners are known to A1 and therefore, they have signed as witnesses. They are innocent and they have not committed any offence as alleged by the prosecution.

4.The case of the petitioner in Crl.O.P(MD)No.10446 of 2016 is that the petitioner is a Sub Registrar and he discharged his official duty. A1,A2,A3, A6 & A7 approached the Sub Registrar Office for registration of two sale deeds and based on the document, he registered the sale deeds. He is innocent and he has not committed any offence as alleged by the prosecution.

5.The case of the petitioner in Crl.O.P(MD)No.10447 of 2016 is that the petitioner is a Medical Officer in the Primary Health Centre at Kovilur, Dindigul District. The defacto complainant approached the petitioner for life certificate and based on the same, he issued life certificate.

6.The case of the petitioners in Crl.O.P(MD)No.10768 of 2016 is that the defacto complainants appointed A1 as their power agent by two documents, both dated 24.09.2009. They received entire sale consideration of Rs.14,50,000/- on 24.09.2009 itself and issued two receipts for having received the said amount. The suits in O.S.No.21 of 2004 before the Sub Court, Kodaikanal and O.S.No.81 of 2006 before the Sub Court, Dindigul were pending against the defacto complainants. Pending suits, it was agreed that after completion of suits, sale deed will be executed and the petitioners were put in possession of the suit property, on 24.09.2009 itself and they are in possession and enjoyment of the property from that date onwards. A1 sold the property to A3 on 20.04.2016. The defacto complainants having received entire sale consideration on 24.09.2009 itself, have given false complaint.

7.The learned Government Advocate (Crl.side) submitted that after receiving the complaint case has been registered and the investigation is pending. On 02.07.2016, the defacto complainants gave statement before the respondent police that they received a sum of Rs.14,50,000/- from A1 on 24.09.2009 itself and issued 2 receipts for the same. Further, investigation is pending.



8. Considering the facts and circumstances of the case and also considering the fact that all the three defacto complainants appointed A1 as their power agent to sell the property and received a sum of Rs.14,50,000/- and subsequent to the complaint, they gave a statement to the respondent police that they received a sum of Rs.14,50,000/- from A1 on 24.09.2009 itself and the contention of the learned counsel appearing for A1 & A2 that property in fact sold to them on 24.09.2009 and sale deed was not executed due to the pendency of the suit against the defacto complainants and the custodial interrogation of the petitioners is not necessary, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner No.1 in CrI.O.P(MD)No.10768 of 2016 shall report before the respondent police as and when required for interrogation and other petitioners in all the Criminal Original Petitions shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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].

9. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

18/07/2016

/ TRUE COPY /

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



TO

1 THE SPECIAL JUDICIAL MAGISTRATE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF LAND GRABBING CASES, MADURAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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

4 THE SUB INSPECTOR OF POLICE
ANTI-LAND GRABBING SPECIAL CELL,
DCB POLICE STATION,
DINDIGUL DISTRICT.

+4. CC to M/S R.R.KANNAN Advocate SR.No.37279 to 37282

ORDER

IN

CRL OP (MD) Nos.10768,10447,10446 AND 10445 of 2016

Date :18/07/2016

AM/SK.SKN/SAR-I/27.07.2016/4P/9C