



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12093 of 2016

GOVINDARAJ

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
CITY CRIME
BRANCH, TRICHY,
TRICHY DISTRICT.
CRIME NO.28 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S AL.KANNAN Advocate

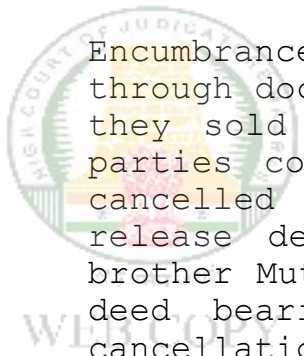
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 423, 465, 468, 471, 506(i) IPC and Section 82(C) of Registration Act, 1908, in Crime No.28 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased a landed property from one Mahalakshmi(A.14) and Pratap (A.6), who are the wife and son of one Muthukrishnan (A.5). A.3, A.4 and A.12 are brother and sisters of the said Muthukrishnan (A.5). A.3, A.4 and A.12 released their right in the property in question in favour of Muthukrishnan. After such release, the said Muthukrishnan (A.5), settled the property in favour of his wife Mahalakshmi (A.14) and his son Pratap (A.6). After releasing the right in the property, at the inducement and instigation of A.1, A.3, A.4 and A.12 executed six power of attorney deeds, appointing A.1 as their power agent to deal with the same property. Subsequently, they cancelled the said power of attorney deeds and sold the property to A.7 and A.8 on 02.05.2009 bearing document Nos.1661 and 1662 of 2009. While so, A.14 and A.6 made arrangements to sell the property to the defacto complainant. On verification of



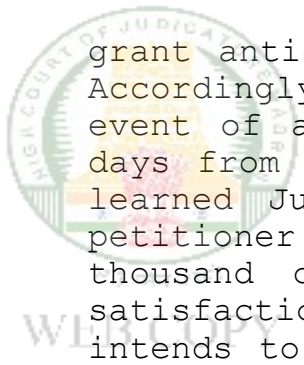
Encumbrance Certificate, the de facto complainant came to know that through document Nos.1661 and 1662 of 2009 executed by A.13 and A.6, they sold the property to A.7 and A.8 and subsequently all the parties compromised the matter and accordingly A.3, A.4 and A.12 cancelled the document Nos.1661 and 1662 of 2009 and accepted the release deed executed by A.3, A.4 and A.12 in favour of their brother Muthukrishnan (A.5) and A.7 and A.8 also cancelled the sale deed bearing document Nos.1661 and 1662 of 2009 by deed of cancellation bearing document Nos.93 and 94 of 2009 and accepted the right of the de facto complainant over the property in question and A.3, A.4 and A.12 signed as witnesses in the sale deeds registered in document Nos.98 and 99 of 2009 and the documents were kept pending for stamp duty and now numbered as 4578 and 4579 of 2015. While so, the accused persons filed O.S.No.634 of 2009, 49 of 2010 and 470 of 2010 before civil forum and entered into a compromise as if one Solomon Devaraj (A.1) is the owner of the property in O.S.No.470 of 2010. Various writ proceedings and proceedings before the Revenue Divisional Officer are pending. While so, on 07.11.2015, at about 10.30 a.m., A.1 and A.9 to A.11 trespassed into the land of the de facto complainant and threatened the employees of defacto complainant to hand over possession of the property in question, failing which, they will kill them and defacto complainant. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is the owner of the property along with his brother Muthukrishnan and sisters. While so, one of the co-sharer viz., Muthukrishnan, settled his undivided share to his wife Mahalakshmi (A.14) and son Prathap (A.6). Civil suits and writ petitions are pending. Due to civil dispute, false complaint has been given.

4.The learned counsel for the petitioner submitted that with regard to release deed and settlement deed executed by the petitioner and other co-sharers, suit for partition and other proceedings are pending. The petitioner appeared before the respondent Police and produced all the documents and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The main allegations are against A.1 and A.9 to A.11.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that A.1 and A.9 to A.11 trespassed into the land of the defacto complainant and threatened the employees of defacto complainant to hand over possession of the property in question, failing which, they will kill them and defacto complainant.

6.Considering the facts and circumstances of the case and also considering the nature of allegation made against the petitioner/A.3 and pendency of the civil suit and other proceedings and the contention of the learned counsel for the petitioner that the petitioner appeared before the respondent Police and produced all the documents and there is change in the circumstances from the date when earlier anticipatory bail petition was dismissed and also considering the age of the petitioner, this Court is inclined to



grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Trichy, on condition that 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 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 shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

sd/-
22/08/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,CITY CRIME BRANCH, TRICHY,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S AL.KANNAN Advocate SR.No.46267

ORDER
IN
CRL OP(MD) No.12093 of 2016
Date :22/08/2016