



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

Thursday, the Eighteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14896 of 2016

1 I.MOHAMED GHOUSE

2 M.ZAHIR HUSSAIN

3 M.MOHAMED RAFI

4 Y.SHAIK HUSSAIN

... PETITIONERS / ACCUSED
NO.10,11,12& 13

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ANTI LAND GRABBING SEPCIAL CELL,
SIVAGANGAI.

CR. NO. 39 OF 2014.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.SHEIK ABDULLAH Advocate

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

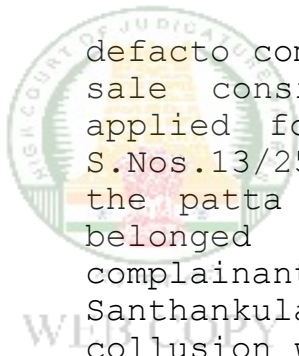
For Intervener : MR.C.P.PALANI CHAMY, Advocate

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 an alleged offence punishable under Sections 467,468,471,420 and r/w. 120(b) of IPC in Crime No.39 of 2014, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is engaged in the business of Manufacturing and Installation of Solar Project in India particularly in the state of Tamil Nadu. To extend their business they wanted to purchase the property in Sivagangai District for constructing solar power energy industries and they made arrangement to conduct full survey and installation of land and other neighbouring District. In the month of August 2011, the petitioners came to the office of the defacto complainant and introduced themselves as leading Real Estate business people in Sivagangai District and they are having 200 acres of land without any encumbrances. The defacto complainant went along with their Manager and inspected the land. A1 and A2 had shown 200 acres of vacant land in Santhankulam Village and they have title deeds, patta and encumbrance certificates for the land. After verification, the



defacto complainant purchased 133.85 acres of the land and paid total sale consideration of Rs.2,26,20,650/-. After purchase, they applied for patta, the Deputy Thasildar issued patta only for S.Nos.13/25, 13/26, 13/31, 13/32 and 13/33 and for remaining land the patta was not issued and informed that other properties are belonged to third parties. On verification, the defacto complainant came to know that there is no revenue village by name Santhankulam in Sivagangai District and by forging the documents in collusion with Sub Registrar Office, Joint II, Sivagangai forged the encumbrance certificate and created entries with the help of A3 / Sub Registrar and created entries as though A4 to A6 purchased the land on 18.04.2011 and subsequently, sold the property on 14.11.2011 to A2. The property belongs to one M/s. Maxworth Orchards (India) Limited, Kodambakkam, Chennai and they have purchased the same in the year 1992 to 1996. The petitioners and other accused persons colluded together and created forged documents and allegedly sold to defacto complainant in northern extent of revenue village. On complaint, a case has been registered against the petitioners.

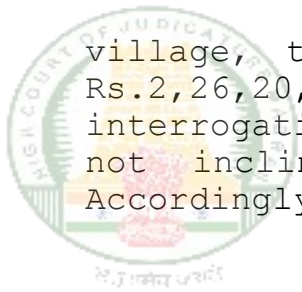
3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners have purchased 45.90 acres from A4 to A6 on 18.04.2011 for agricultural purpose. They found that the land was not suitable for agricultural purpose within 7 months they sold the property by sale deed dated 14.11.2011 to A2. A2 sold the property on 23.11.2011 within 9 days from the date of purchase. He further contended that the petitioners purchased the property after verification of documents and encumbrance certificates for 27 years from 01.01.1987 to 31.07.2014.

4. The learned counsel for the intervenor reiterated the averments and submitted that the petitioners with an intention to cheat the defacto complainant colluded with Sub Registrar, Joint II, Sivagangai and made huge loss to them. He further submitted that the Sub Registrar, Joint II had actively engaged in aiding the revenue information's and helped the accused to prepare forged sale deeds and prayed for dismissal of this petition.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners and others colluded together and with the help of A3 / Sub Registrar created fabricated documents and encumbrance certificates as though the entries made in the encumbrance certificates to show the extent of revenue village Santhankulam. When there is no revenue village created and received a sum of Rs.2,26,20,650/- and cheated the defacto complainant and the investigation of the case is pending.

6. I have considered the rival submissions.

7. Considering the serious nature of allegations against the petitioners <https://hcservices.ecourts.gov.in/hcservices/> is that the petitioners and other accused persons colluded together and forged the documents to show that extent of



WEB COPY

village, there is no such revenue village, obtained a sum of Rs.2,26,20,650/- and some of the accused are absconding custodial interrogation of the petitioners is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition is dismissed.

sd/-
18/08/2016

/ TRUE COPY /

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

trp
TO

- 1 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SEPCIAL CELL, SIVAGANGAI.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SHEIK ABDULLAH Advocate SR.No.46311
+1CC to Mr.C.Palani Chamy, Advocate Sr.No.45497

GJM/GSV/PM/6.9.16-3p-5c

ORDER
IN
CRL OP(MD) No.14896 of 2016
Date :18/08/2016