



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.238 and 654 of 2016

R. JEYARAMAN

... PETITIONER/ ACCUSED NO.1 IN
CRL OP(MD) No.238 of 2016

1. D.SENDUKODI

2.D.REVATHI

3.D.BALAKRISHNAN

... PETITIONER/ ACCUSED NO. 3 TO 5 IN
CRL OP(MD) No.654 of 2016

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
CHEKKANOORANI POLICE STATION,
MADURAI DISTRICT,
CR NO.2 OF 2016.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

K.KASINATHAN

...INTERVENOR IN CRL.MP NO.580 OF 2016
IN CRL OP(MD) NO.238 OF 2016

For Petitioner : M/S J.JEYAKUMARAN Advocate IN BOTH PETITIONS

For Respondent : M/S.P.KANNITHEVAN Government Advocate (Crl. Side)
IN BOTH PETITIONS

For Intervenor : M/S.S.MUTHALRAJ Advocate

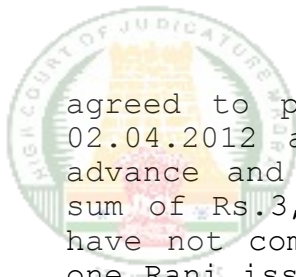
PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.238 of 2016, who is arrayed as accused No.1, in Crime No.2 of 2016 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of the Indian Penal Code and hence, seeks anticipatory bail.

2. The petitioners in Crl.O.P(MD)No.654 of 2016, who are arrayed as accused Nos.3 to 5, in Crime No.2 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of the Indian Penal Code and hence, seek anticipatory bail.

3. The case of the prosecution is that the petitioner in Crl.O.P(MD) No.238 of 2016 approached the defacto complainant to sell the property belonging to one Devaraj/A2. The defacto complainant and his friend Pandi



agreed to purchase the same and entered into an agreement of sale on 02.04.2012 and registered the same. He paid a sum of Rs.5,00,000/- as advance and subsequently, he paid another sum of Rs.50,000/- and also a sum of Rs.3,00,000/-. Even after the above payments, the accused persons have not come forward to execute the sale deed. While so, on 14.02.2014, one Rani issued a legal notice that the property belongs to her and nobody should purchase the same from others. On verification, the de-facto complainant came to know that the property does not belong to Devaraj and they fraudulently got the revenue records in his name without the knowledge of original owner and the cases regarding the property in question are pending with regard to the title of the property. Suppressing these facts, the petitioners entered into an agreement of sale with the defacto complainant. On complaint, a case has been registered against these petitioners.

4. The case of the petitioners is that the property measuring 1 acre 39 cents in Survey No.138/3 belonged to one Ammavasi Thevar, who is none other than the father of Devaraj/A2, as per the settlement patta issued in the year 1961. After the death of his father, Devaraj/A2 inherited the same and thereafter, without issuing notice to the said Devaraj, the said property was sub-divided by the Tahsildar. Therefore, Devaraj filed an appeal before the Revenue Divisional Officer, Usilampatti. After conducting enquiry on 16.02.2011, the Revenue Divisional Officer has passed a final order and by his proceedings had cancelled the order of sub-division and restored the patta in favour of Devaraj. The defacto complainant and his friend Pandi, after entering into an agreement, have not come forward to pay the sale consideration and to execute the sale deed. In the meanwhile, A2 died on 15.04.2014. The complaint was given on 04.01.2016 against the dead person and the petitioners in CrI.O.P(MD) Nos.654 of 2016 are the wife, daughter and son of Devaraj/A2 and the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

5. Heard the learned counsel for the Intervenor.

6. The learned Government Advocate (Criminal Side) submitted that investigation is pending.

7. Considering the fact that the Revenue Divisional Officer conducted enquiry and passed an order on 16.02.2011 and the sub-division already made was cancelled by the Revenue Divisional Officer and patta was restored in favour of Devaraj and he died on 15.04.2014 and hence, the custodial interrogation of the petitioners are not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Usilampatti and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioner/R.Jeyaraman in CrI.O.P(MD)No.238 of 2016 and the third petitioner/D.Balakrishnan in CrI.O.P(MD)No.654 of 2016 shall appear before the respondent police daily at 10.30 a.m., until further orders and the petitioners 1 and 2 in CrI.O.P (MD)No.654 of 2016 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petitions for anticipatory bail stand dismissed.

sd/-
27/01/2016

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, USILAMPATTI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, CHEKKANNOORANI POLICE STATION,
MADURAI DISTRICT.

+2. CC to M/S J.JEYAKUMARAN Advocate SR.No. 4774 & 4775

TS/04.02.2016/2P-7C/SK-SKN/SARI

ORDER
IN
CRL OP(MD) Nos.238 & 654 of 2016
Date :27/01/2016