



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) No.335 of 2016

PATHOSE

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
ANTI LAND GRABBING WING,
NAGERCOIL, KANYAKUMARI DISTRICT.
CR NO.14 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.PALANIVELAYUTHAM Advocate

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

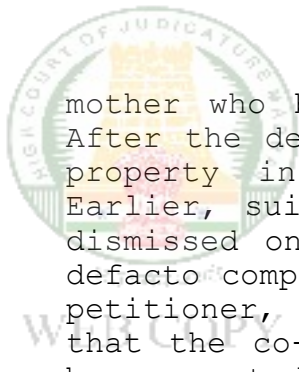
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 465, 467, 468 and 471 of IPC in Crime No.14 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the property in question measuring an extent of 5 cents belonged to the defacto complainant's father and brother. The petitioner and his mother were the tenants in the property. The father of the defacto complainant filed a suit in O.S.No.266 of 1984 against the petitioner/A1 and his mother and the said suit was dismissed on 19.09.1990. Aggrieved by which, the father of the defacto complainant filed an appeal suit in A.S.No.19 of 1991 on the file of Sub-Court, Padmanabhapuram and it was allowed. Thereafter, the petitioner filed Second Appeal in S.A.No.923 of 1996 on the file of this Court and on 14.03.2012, the petitioner withdrew the said Second Appeal stating that the matter has been settled out of Court. After the death of the defacto complainant's father and her brother, the defacto complainant inherited the property. The petitioner created documents and sold the properties to A2 and A3 who in turn settled the property on their son A4. The petitioner and others without having any title over the property, created the documents and dealt with the property. On the complaint, the case has been registered against the petitioner and others.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and her name has been falsely implicated in this case. He further submitted that the property belongs to his grand



mother who by a registered Will bequeathed the property to his mother. After the death of his mother, the petitioner inherited the property. The property in question forms part of larger extent of 1.35 acres. Earlier, suit in O.S.No.266 of 1984 filed by the defacto complainant was dismissed on 19.11.1990 and the first appeal filed by the father of the defacto complainant was allowed. After 25 years, with a view to harass the petitioner, the present complaint has been given. He further submitted that the co-accused, who are in possession of the property, had already been granted anticipatory bail by this Court in Crl.O.P.(MD).No.6446 of 2015 on 23.07.2015.

4. The learned Government Advocate (Crl. Side) submitted that the investigation is pending.

5. Considering the facts and circumstances and the fact that the co-accused, who are in possession of the property, had already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Padmanabapuram, Thucklay, Kanyakumari District and on his 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 shall appear before the respondent Police daily at 10.00 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner 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 petition for anticipatory bail stands dismissed.

sd/-
27/01/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THUCKLAY.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ANTI LAND GRABBING WING,
NAGERCOIL, KANYAKUMARI DISTRICT.

+1. CC to M/S S.PALANIVELAYUTHAM Advocate SR.No. 4874.

<https://hcservices.ecourts.gov.in/hcservices/>
TS/03.02.2016/2P-6C/NGM-SS/SARI

ORDER IN
CRL OP(MD) No.335 of 2016
Date :27/01/2016