



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

Monday, the Eighteenth day of July Two Thousand Sixteen

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PRESENT

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

CRL OP(MD) No.6242 of 2016

1 C.KALI
2 PARVATHI
3 MUTHULAKSHMI
4 SEENIKUMAR
5 ANNAMMAL
6 MURUGAN

... PETITIONERS/ACCUSED No.2to7

Vs

STATE BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI, CR No.7 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.JEGADEESH PANDIAN Advocate
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)
For Intervenor : H.THAYUMANASWAMY, Advocate

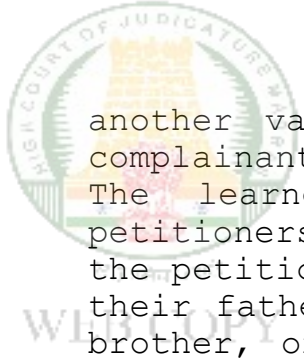
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 to 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 420, 465, 468 and 471 of IPC, in Crime No.7 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the property originally belonged to one Ramasamy Pillai. His legal heirs are Ayyasamy Pillai and Ayyapillai. On 06.02.1970 partition deed was executed between Chitrandyapillai, Ayyapillai and Chellaperumal bearing document No.265/1970. Whereby, the defacto complainant's father was allotted 96 cents and father of the petitioners Chithirandyapillai and other brothers allotted 96 cents. The accused persons, who are legal heirs of Chithirandyapillai, sold 1 acre 40 cents to A8, who in-turn sold to A9 and A10. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are sons and grand-sons of Chithirandiya Pillai. After partition of the property branch to which the defacto complainant belongs was given



another valuable property and therefore, branch to which defacto complainant belongs had no title to 96 cents allotted in partition. The learned counsel for the petitioners submitted that the petitioners have another property which belonged to the brother of the petitioners. From and out of the property, which was allotted to their father Chithirandiya Pillai and the property belongs to their brother, only they sold 1 acre 40 cents. The property allotted to the branch of the defacto complainant was encroached by the third parties long back. The defacto complainant could not evict the encroachers. Now due to escalation of land value, the defacto complainant has given a false complaint to extract the money from the petitioners.

4.The learned counsel for the intervenor reiterated the averments made in the complaint and submitted that without having any title, the petitioners sold 1 acre 40 cents, which belongs to the defacto complainant and prayed for dismissal of the anticipatory bail.

5.The learned Government Advocate(Crl.side) submitted that on complaint of the defacto complainant, case has been registered and the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners and the defacto complainant are close relatives and the contention of the learned counsel for the petitioners is that the property belongs to the brother of the defacto complainant and another property was given to the defacto complainant branch, in lieu of 96 cents allotted to them in partition, the custodial interrogation of the petitioners is not necessary. In the circumstances, 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 Judicial Magistrate No.I, Tirunelveli, 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 petitioners 4 & 6 shall report before the respondent Police daily at 10.30 a.m. until further orders and the petitioners 1,2,3 & 5 shall report before the respondent police as and when required for interrogation.
- (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]**.

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5.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

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

TO

- 1 THE JUDICIAL MAGISTRATE-I
TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TIRUNELVELI,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S M.JEGADEESH PANDIAN Advocate SR.No.37731

ORDER
IN
CRL OP(MD) No.6242 of 2016
Date :18/07/2016

am

SH/AAL-MPA/SAR-II:25.07.2016:3P/6C