



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

Tuesday, the Fourteenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.6371 of 2016

1 RENGANATHAN
2 PETCHIMUTHU

... PETITIONERS/ACCUSED 1&2

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
SEEVALPERI POLICE STATION,
TIRUNELVLEI DISTRICT.
CR. NO.63/2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.J.SENTHIL KUMARIAH, ADVOCATE
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

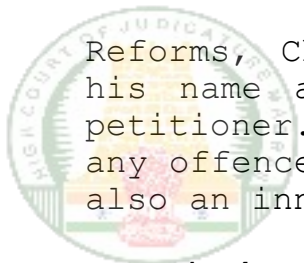
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 468 and 471 IPC, in Crime No.63 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the properties in question originally belong to Seevalaperi Annathana Chathiram. The title was conferred vide Judgment and decree dated 29.04.1993 made in O.S.No.25 of 1955 on the file of the Sub Court, Tirunelveli. The patta in respect of the properties in question is also stood in the name of the above Seevalapperi Annathana Chathiram. While so, the first accused and other accused colluded together and created a forged document and based on the same, sold the properties to the second accused. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the properties in question are originally belonged to the mother of the first petitioner namely, Late.Medaithalavai S.Vadivammal Anni. After her demise, the first petitioner inherited those properties and as per the order dated 06.03.2003 passed in C.A.Nos.12090 and 12099 of 1996 by the Hon'ble Apex Court and the order of the Commissioner of Land



Reforms, Chennai, dated 01.03.2005, patta was also transferred in his name and subsequently, he sold the properties to the second petitioner. He did not commit any forgery and he has not committed any offence as alleged by the prosecution. The second petitioner is also an innocent person and he has not committed any offence.

4.The learned Government Advocate (Criminal side) appearing for the respondent filed a counter affidavit and submitted that the properties are originally belonged to Seevalapperi Annathana Chathiram and the petitioner along with the other accused created forged documents and sold the same to the second petitioner and though the registration of the above properties comes under the jurisdiction of the Sub-Registrar, Parkit Manager Sub Registrar Office, the sale deed was executed in the Sub Registrar Office, Oothumalai. The first petitioner fraudulently obtained patta in his name. Investigation is pending.

5.The allegation levelled against the petitioners is that the first petitioner fabricated documents with the help of other accused and sold the properties to the second petitioner. Both the de facto complainant and first petitioner claimed title over the properties as per the orders of the Court in different proceedings. The transactions are evidenced by documents. Considering the above facts and also considering the facts that the occurrence tookplace in the year 2011 and custodial interrogation is 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.III, Tirunelveli 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 petitioners shall report before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.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 petition for anticipatory bail stands dismissed.

sd/-
14/06/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
SEEVALPERI POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO MR.J.SENTHIL KUMARIAH, ADVOCATE IN SR No. 30193

ORDER

IN

CRL OP(MD) No.6371 of 2016

Date :14/06/2016

SMN

TE/SKS-RR/SAR-I : 20/06/2016 : 3P/6C