



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.6526 of 2016

1 PARVATHI
2 VALLIAMMAL
3 SUDALI

... PETITIONERS/ACCUSED no. 1 to 3

Vs

STATE REP BY THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
TIRUNELVELI CITY.(CRIME NO. 7/2016)... RESPONDENT/COMPLAINANT

T.T.RAMESH RAJA ...INTERVENOR

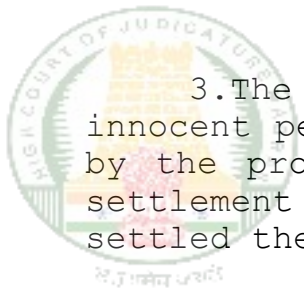
For Petitioner : M/S PALANIVELAYUTHAM Advocate
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)
For Intervenor : MR.S.A.GANAPATHY RAMAN Advocate

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.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 467, 468, 471 and 120(B) 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 defacto complainant purchased the property in question from one Dharmar husband of second petitioner and his brother Pattan Arumugam through their power agent Thangaraj, by the deed of sale, dated 20.05.2011 bearing Document No.2679/2011, for valuable consideration. From the date of purchase, the defacto complainant is in possession and enjoyment of the property by paying tax and patta has been issued in the name of the defacto complainant. While so, the said Dharmar along with A2 to A4 conspired together and executed a settlement deed, dated 01.11.2013 bearing document No.5567/13 in favour of his wife/A2. Subsequently, A2 executed another settlement deed, dated 10.10.2014 in favour of A1, A3 and A4 bearing Document NO.4521/14, with an intention to cheat the defacto complainant. On complaint, case has been registered for the above said offences.



3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Father of the petitioners 1 & 3 executed the settlement deed in favour of second petitioner, who is in turn settled the property on petitioners 1 & 2.

4.The learned counsel for the intervenor reiterated the averments made in the petition and submitted that the defacto complainant purchased the property from Dharmar and her brother through the power agent Thangaraj. After purchase, patta has been issued in the name of the defacto complainant and all the revenue records has been changed. He further submitted that Dharmar, without having any title, he executed the settlement deed to A2 Valliammal, who in turn settled on A1 & A3. All the petitioners are aware of the fact that Dharmar and his brother already sold the property to the defacto complainant.

5.The learned Government Advocate (Crl.side) filed counter affidavit and submitted that husband of second petitioner and father of petitioners 1 & 3 sold the property through his power agent by the deed of sale dated 20.05.2011 for Rs.4,40,000/-. After knowing that, property was sold to defacto complainant through his power agent and said Dharmar fraudulently settled the property on second petitioner, who in turn settled it on petitioners 1 & 3. The petitioners knowing fully well that property was already sold to defacto complainant and he is in possession and enjoyment of the property, created forged documents. The earlier Crl.O.P.No.23772 of 2015 filed by the petitioners was dismissed on 14.03.2016. There is no change of circumstances.

6.Considering the serious allegations made against petitioners, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-

14/07/2016

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

TO

1 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, TIRUNELVELI CITY.

2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S PALANIVELAYUTHAM Advocate SR.No.37082

+1cc to Mr.S.A.GANAPATHY RAMAN, Advocate Sr.No.36704

ORDER IN

CRL OP(MD) No.6526 of 2016

Date :14/07/2016