



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

Monday, the Twentieth day of June Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.8019 of 2016

KALYANA SUNDARAM

... PETITIONER/ ACCUSED No.5

Vs

1. THE STATE REP. BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL
RAMANATHAPURAM
RAMANATHPURAM DISTRICT
CR.NO.4/2016

... RESPONDENT / COMPLAINANT

2. NOOR MOHAMED

... INTERVENER

For Petitioner : M/S R.ALAGUMANI Advocate

For Respondent : Mr.P.Kannithevan,
Govt. Advocate (Crl. Side)

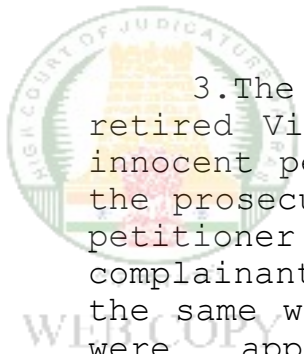
For Intervener : Mr.R.Murugan, Advocate

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.5, apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 423, 465, 468 and 471 read with 120 (b) IPC, in Crime No.4 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons conspired together and transferred patta and fabricated documents with regard to the property of the de facto complainant. On complaint case has been registered for the above said offences.



3.The case of the petitioner is that the petitioner is a retired Village Administrative Officer, aged 63 years. He is an innocent person and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. The petitioner did not transfer the patta belonging to the de facto complainant. Earlier, the de facto complainant gave a complaint and the same was closed as mistake of fact. The petitioner and others were appeared before the respondent for investigation. Subsequently, the respondent registered the FIR.

4.The learned Government Advocate (Criminal side) filed a counter and submitted that the petitioner is a professional offender and created lot of forged documents while he was working as a Village Administrative Officer. He is having previous cases. If he is released on anticipatory bail, he will hamper the investigation and tamper the evidence.

5.The learned counsel appearing for the intervenor submitted that the patta in respect of the land belonging to the intervenor was erroneously transferred to A.1 and after intervention of the elders, A.1 was asked to pay the sale consideration of the said land after getting consent letter from the intervenor, but A.1 at the behest of the petitioner/A.5 has refused to fulfil his part of performance.

6.Considering the facts and circumstances of the case and also considering the fact that the intervenor stated that he has given consent letter to A.1 for the transfer of patta, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Special Land Grabbing Court, Ramanathapuram, 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 Court concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. 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/-
20/06/2016

/ TRUE COPY /



TO

1 THE SPECIAL JUDGE, LAND GRABBING COURT, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE, ANTI LAND GRABBING CELL,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S R.ALAGUMANI Advocate SR.No.31850

smn

JM/AAL-MPA/SAR-III/22.06.2016/3P-5C

ORDER

IN

CRL OP(MD) No.8019 of 2016

Date :20/06/2016