



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

Monday, the Twentieth day of June Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.8032 of 2016

WEB COPY

KALYANA SUNDARAM

... PETITIONER/ACCUSED No.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
RAMANATHAURAM,
RAMANATHAPURAM DISTRICT.
CR.NO.6 OF 2016

... RESPONDENT/COMPLAINANT

M.MARISAL BEEVI

... INTERVENOR

For Petitioner : M/S R.ALAGUMANI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

For Intervenor : 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, 465, 468, 471, 294(b) and 506(ii) read with 120(b) IPC, in Crime No.6 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 share 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. 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 mother of the de facto complainant was threatened by the accused persons and created a sale deed dated 25.09.1976 registered as Document No.1512/1976. Subsequently sale deeds were executed in favour of the accused 3,4 and 6. All the accused persons colluded together and fabricated a false patta. The de facto complainant came to know about the transaction only in the year 2016 and when he questioned about the same, the accused threatened him with dire consequences.

6.Considering the facts and circumstances of the case and also considering the fact that the intervenor stated that the document was executed on 25.09.1976 and the petitioner and other accused created a sale deed dated 11.04.1996 by threatening her aged mother and subsequently the properties were dealt with by other accused, who are relatives and 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 /

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

TO

- 1 THE SPEICAL 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.31851

ORDER
IN
CRL OP(MD) No.8032 of 2016
Date :20/06/2016