



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

Monday, the Fourth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.9835 and 10763 of 2016

1 SENTHILKUMAR
2 MEENAVATHI

... PETITIONERS/ACCUSED No.7&8
in CRL OP(MD) No.9835 of 2016

J.GOVINDARAJAN

... PETITIONER / 3rd ACCUSED
in CRL OP(MD) No.10763 of 2016

Vs

THE STATE,
REP.BY THE INSPECTOR OF POLICE
CCB (ALGSC) PS,
TRICHY DISTRICT, CR.NO.28/2015

... RESPONDENT/COMPLAINANT
in both petitions

For Petitioner : M/S T.SENTHIL KUMAR Advocate
in CRL OP(MD) No.9835 of 2016

For Petitioner : M/s.M.S.SARAVANAKUMAR, Advocate
in CRL OP(MD) No.10763 of 2016

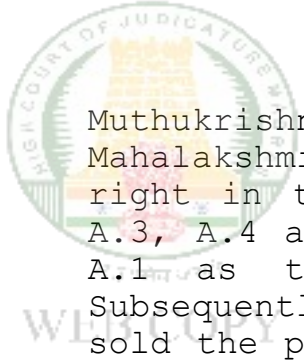
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)
in both petitions.

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.3, 7 and 8 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 423, 465, 468, 471, 506(i) IPC and Section 82 of Registration Act, 1908, in Crime No.28 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant purchased a landed property from one Mahalakshmi(A.14) and Pratap (A.6), who are the wife and son of one Muthukrishnan (A.5). A.3, A.4 and A.12 are brother and sisters of the said Muthukrishnan (A.5). A.3, A.4 and A.12 released their right in the property in question in favour of Muthukrishnan. After such release, the said

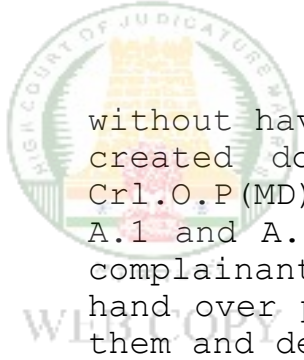


Muthukrishnan (A.5), settled the property in favour of his wife Mahalakshmi (A.14) and his son Pratap (A.6). After releasing the right in the property, at the inducement and instigation of A.1, A.3, A.4 and A.12 executed six power of attorney deeds, appointing A.1 as their power agent to deal with the same property. Subsequently, they cancelled the said power of attorney deeds and sold the property to A.7 and A.8, petitioners herein on 02.05.2009 bearing document Nos.1661 and 1662 of 2009. While so, A.14 and A.6 made arrangements to sell the property to the de facto complainant. On verification of Encumbrance Certificate, the de facto complainant came to know that through document Nos.1661 and 1662 of 2009 executed by A.13 and A.6 sold the property to A.7 and A.8, petitioners herein and subsequently all the parties compromised the matter and accordingly A.3, A.4 and A.12 cancelled the document Nos.1661 and 1662 of 2009 and accepted the release deed executed by A.3, A.4 and A.12 in favour of their brother Muthukrishnan (A.5) and A.7 and A.8 also cancelled the sale deed bearing document Nos.1661 and 1662 of 2009 by deed of cancellation bearing document Nos.93 and 94 of 2009 and accepted the right of the de facto complainant over the property in question and A.3, A.4 and A.12 signed as witnesses in the sale deeds registered in document Nos.98 and 99 of 2009 and the documents were kept pending for stamp duty and now numbered as 4578 and 4579 of 2015. While so, the accused persons filed O.S.No.634 of 2009, 49 of 2010 and 470 of 2010 before civil forum and entered into a compromise as if one Solomon Devaraj (A.1) is the owner of the property in O.S.No.470 of 2010. Various writ proceedings and proceedings before the Revenue Divisional Officer are pending. While so, on 07.11.2015, at about 10.30 a.m., A.1 and A.9 to A.11 were trespassed into the land of the de facto complainant and threatened the employees of de facto complainant to hand over possession of the property in question, failing which, they will kill them and de facto complainant. On complaint case has been registered for the above said offences.

3.The case of the petitioners in CrI.O.P(MD)No.9835 of 2016/A.7 and A.8 is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without knowing the legal problems involved in the disputed property, they purchased the same and subsequently on coming to know about the dispute, they did not claim any right or title over the property. Even they are also victims and they are also cheated by A.6, Pratap and A.13, Mahalakshmi.

4.The case of the petitioner in CrI.O.P(MD)No.10763 of 2016/A.3 is that he is the owner of the property along with his brother Muthukrishnan and sisters. While so, one of the co-sharer viz., Muthukrishnan, settled his undivided share to his wife Mahalakshmi (A.14) and son Prathap (A.6). Civil suits and writ petitions are pending. Due to civil dispute, false complaint has been given.

5.The learned Government Advocate (Criminal side) submitted that the de facto complainant is the owner of the property and



without having any title, all the accused persons colluded together, created documents and sold the property to the petitioners in Crl.O.P(MD)No.9835 of 2016 and on 07.11.2015, at about 10.30 a.m., A.1 and A.9 to A.11, were trespassed into the land of the de facto complainant and threatened the employees of de facto complainant to hand over possession of the property, failing which, they will kill them and de facto complainant. Investigation is pending.

6.Considering the facts and circumstances of the case and also considering the serious nature of allegations levelled against the petitioners and collusive suits were filed among themselves and compromise decrees were obtained and investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioners and accordingly these petitions are dismissed.

sd/-

04/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE INSPECTOR OF POLICE
CCB (ALGSC) PS, TRICHY DIST, CR.NO.28/2015
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S T.SENTHIL KUMAR Advocate SR.No.34962

ORDER

IN

CRL OP(MD)No.9835 and 10763 of 2016

Date :04/07/2016

smn

SH/ARK-PV/SAR-I:12.07.2016:3P/4C