



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15242 of 2016

1 R.THANGAMANI
2 T.BAVANI

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PABANASAM POLICE STATION, PABANASAM TALUK,
THANJAVUR DISTRICT.
CR. NO. 298 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SIDDHARTHAN Advocate

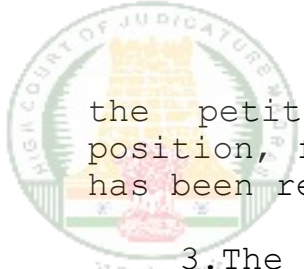
For Respondent : Mr.P.KANNITHEVAN Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 423, 464 and 466 IPC, in Crime No.298 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the property in question originally belonged to one Anandha Subramaniya Iyyar and the uncle of the defacto complainant was lessee. After the death of Anandha Subramaniya Iyyar, Bala Subramaniya Iyyar became the owner of the property. After the death of uncle of the defacto complainant, his father became lessee under Bala Subramaniya Iyyar. While so, he came to know that patta has been transferred in the name of the first petitioner. On verification, under RTI Act, the Tahsildar stated that patta was transferred in the name of the first petitioner in Document No.77/2014 . The said document does not relate to the property in question and the petitioners are not parties to the said document. Further, the first petitioner by settlement deed, dated 26.02.2016, settled the property on the second petitioner, who is his wife, stating that the property is the ancestral property. Both



the petitioners are Government employees and misusing their position, forged the document and obtained patta. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the property belonged to one Balasubramania Iyyar, who appointed T.M.Kalidass Iyyar as his power agent. The petitioners entered into an agreement of sale, dated 23.09.2003, with Balasubramania Iyyar through his power agent. The possession of the property was given to the petitioners on the same day and they are in possession and enjoyment of the property. While so, the defacto complainant filed a suit in O.S.No.14 of 2016 on the file of the learned District Munsif cum Judicial Magistrate, Valangaiman, against the petitioners for injunction on the ground that he is a lessee of the suit property and no interim order was granted. Therefore, the defacto complainant has given a false complaint against the petitioners. The petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) has submitted a certificate issued by the Village Administrative Officer and stated that the property in question is in possession and enjoyment of the defacto complainant and that the defacto complainant has cultivated the land and the investigation is pending.

5.In view of the serious allegation made against the petitioners that by forging and fabricating the documents, they obtained patta and the patta produced by the petitioners are not related to the property in question and the petitioners are not party to the patta and without having any title, the first petitioner settled the property on 26.02.2016 to the second petitioner, the custodial interrogation of the petitioner is required. In the circumstances, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

sd/-

30/08/2016

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

TO

- 1 THE INSPECTOR OF POLICE,
PABANASAM POLICE STATION, PABANASAM TALUK,
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15242 of 2016

Date :30/08/2016