



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

Monday, the Eighteenth day of September Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP (MD) No.1201 AND 3445 of 2017

1 A.KARUPPAIAH
2 M.RAMU
3 L.MANI
4 K.PODHARAJ

... PETITIONERS / A1 TO A4
IN CRL OP (MD) NO.1201/2017

1 A.KARUPPAIAH
2 M.RAMU
3 R.SANKARALINGAM
4 L.MANI
5 K.PODHARAJ

... PETITIONERS / ACCUSED NOS.1 TO 5
IN CRL OP (MD) NO.3445/2017

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT,
(IN CR.NO. 321 OF 2016)
IN CRL OP (MD) NO.1201/2017
IN CR.NO.112/2017
IN CRL OP (MD) NO.3445/2017

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

VIJAYA KUMAR ...PETITIONER INTERVENER
IN CRL MP (MD) NO.2532/2017 IN CRL OP (MD) NO.1201/2017

THIYAGARAJAN ...PETITIONER INTERVENER
IN CRL MP (MD) NO.8503/2017 IN CRL OP (MD) NO.3445/2017

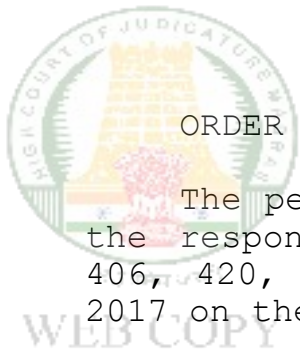
For Petitioners : M/S.R.VIJAYAGOPAL Advocate
IN BOTH THE PETITIONS

For Respondent : MR.A.RAMAR, ADDITIONAL PUBLIC PROSECUTOR
IN BOTH THE PETITIONS

For Intervener : MR.V.KANNAN ADVOCATE FOR MR.M.MAHARAJA, ADVOCATE
IN CRL MP (MD) NO.2532/2017 IN CRL OP (MD) NO.1201/2017
MR.M.MAHARAJA, ADVOCATE
IN CRL MP (MD) NO.8503/2017 IN CRL OP (MD) NO.3445/2017

<https://hcservices.ecourts.gov.in/hcservices/>

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



ORDER : The Court Made the following order :-

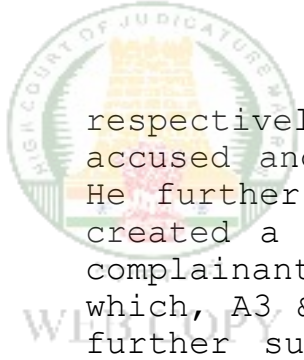
The petitioners / accused, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 468 & 471 of I.P.C in Crime Nos.321 of 2016 and 112 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution in Crime No.321 of 2016 is that the petitioners have created forged documents in respect of a property in Plot No.18 in Survey No.135/1 to an extent of 2100 sq.ft. at Paravai Village, Madurai North Taluk, Madurai District for which they are not valid title holder and sold the said property to the de facto complainant's mother-in-law by way of a registered sale deed dated 18.06.2008 vide document No.2425 of 2008 before the District Registrar Office, Madurai North and thereby cheated her. Since the property belonged to the Arulmigu Meenakshi Sundareswarar Devasthanam, Madurai.

3.The case of the prosecution in Crime No.112 of 2017 is that the petitioners have created forged documents in respect of a property in Plot No.19 in Survey No.135/1 to an extent of 2100 sq.ft. at Paravai Village, Madurai North Taluk, Madurai District for which they are not having valid title and sold the said property to the de facto complainant's brother by way of a registered sale deed dated 18.06.2008 vide document No.2426 of 2008 before the District Registrar Office, Madurai North and thereby cheated her, since the disputed property belonged to the Arulmigu Meenakshi Sundareswarar Devasthanam, Madurai.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He also submitted that originally, one S.Nagaraj Rao and one P.Gandhi have executed a sale deed dated 21.06.1996 vide document No.1564 of 1996 in respect of the property in question and thereafter, the said P.Gandhi sold the said property to one P.K.C.Prabhu by way of a registered sale deed dated 23.10.1996 vide document No.1119 of 1996 and on 14.11.1997 the said P.K.C.Prabhu executed a power of attorney in favour of one I.Manohar vide document No.178 of 1997. He also submitted that the 2nd petitioner purchased the property on 18.05.1998 vide document No.834 of 1998 from the said power of attorney and thereafter, on 11.02.2004, from the Second Accused/Second Petitioner, A1 purchased the property, who in turn, sold the property to the de facto complainant. The learned counsel for the petitioners in Crime No.321 of 2016 have voluntarily agreed to deposit a sum of Rs.5 lakhs in respect of plot no.18 and the petitioners in Crime No.112 of 2017 have voluntarily agreed to deposit a sum of Rs.5 lakhs in respect of plot no.19 without prejudice to their contention in both the cases.

5.The learned Additional Public Prosecutor appearing for the respondent Police submitted that totally there are 4 named accused in Crime No.321 of 2016 and the petitioners are arrayed as A1 to A4



respectively and in Crime No.112 of 2017 totally there are 5 named accused and the petitioners are arrayed as A1 to A5 respectively. He further submitted that in respect of plot No.18, A1 & A2 have created a fabricated documents and sold the same to the de facto complainant's mother-in-law by way of a registered sale deed, in which, A3 & A4 are the attesting witnesses to the said document. He further submitted that in respect of plot no.19, A1 to A3 have fabricated documents and sold the same to the de facto complainant's brother by way of a registered sale deed, in which also, A4 and A5 are the attesting witnesses. He also submitted that a suit in O.S.No.212 of 2000, instituted by real owner against the second petitioner and his predecessor was decreed on 28.11.2003 and the said respondents preferred an Appeal Suit in A.S.No.6 of 2004 and the same was also dismissed on 07.06.2005 and this shows, all the petitioners colluded together and suppressed the real fact, have sold the property to the de facto complainant and thereby cheated them. He further submitted that investigation is still pending.

6.The learned counsel for the intervenor submitted that originally, the property in question belonged to a Temple namely, Arulmigu Meenakshi Sundareshwarar Temple, Madurai and the said Temple has filed a suit in O.S.No.212 of 200 before the District Munsif Court, Madurai against A2 (Ramu) and another. The said suit was decreed in favour of the Temple. As against the same, A2 and another have filed an Appeal suit in A.S.No.6 of 2004 before the Principal Sub Judge, Madurai and the same was dismissed on 18.06.2008. Aggrieved over the same, Second Appeal in S.A.No.790 of 2005 before this Court and this Court by a judgment dated 19.10.2012 dismissed the said appeal. He further submitted that suppressing all these facts, the petitioners have colluded with each other and sold the property to the de facto complainant's mother-in-law and the de facto complainant's brother respectively. Stating that they are the owners of the disputed property and there is no encumbrance over the property.

7.The learned counsel for the petitioners seeks permission to withdraw these petitions in respect of A1. He has also made an endorsement to that effect.

8.Considering facts and circumstances of the case and also considering the fact that the petitioners except A1 have voluntarily agreed to deposit a sum of Rs.5,00,000/- in each petitions (ie., Rs.5 lakhs in Crime No.321 of 2016 and Rs.5 lakhs in Crime No.112 of 2017) to the credit of Crime Nos.321 of 2016 & 112 of 2017 respectively before the learned Judicial Magistrate, Vadipatti, without prejudice to their contentions in these cases, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 in CrI.O.P.(MD)No.1201 of 2017 and the petitioners 2 to 5 in CrI.O.P.(MD)No.3445 of 2017 with certain conditions.

9.Accordingly, the petitioners in both the Criminal Original petitions (except A1 in both petitions) are ordered to be released



on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Vadipatti and on each of them 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 learned Judicial Magistrate concerned and on further condition that the petitioners (except A1 in both petitions) shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) in each petitions to the credit of Crime Nos.321 of 2016 & 112 of 2017 respectively before the learned Judicial Magistrate, Vadipatti, within a period of two months from the date on which the order copy is made ready and the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10. In respect of the first petitioner / A1 in both the Criminal Original petitions is concerned, these Criminal Original petitions are dismissed as withdrawn.

11. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/09/2017

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

PSD
TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION, MADURAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.VIJAYAGOPAL Advocate SR.No.30953

GJM/RR/BS/SAR-I-4.10.17-4P-6C

ORDER
IN
CRL OP(MD) No.1201 & 3445 of 2017
Date :18/09/2017