



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

Friday, the Thirtieth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.7551 of 2017

PONNALAGU

... PETITIONER/1ST ACCUSED

Vs

STATE REP.BY,  
THE INSPECTOR OF POLICE,  
ANTI LAND GRABBING SPECIAL CELL,  
MADURAI CITY.  
CRIME NO.47 OF 2017

... RESPONDENT/COMPLAINANT

KANNAN

... PETITIONER/DEFACTO COMPLAINANT

For Petitioner : M/S.P.MANI ANANDH Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

For Intervenor : M/S.A.K.MANICKAM, Advocate

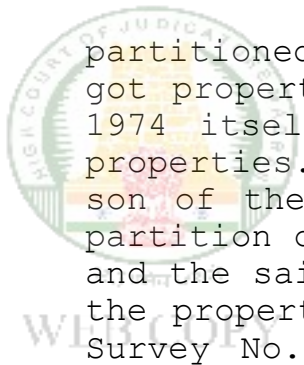
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who arrayed accused No.1, in Crime No.47 of 2017, on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, and 506(i) IPC, seeks anticipatory bail.

2. The case of the prosecution is that one Kannan lodged a complaint before the respondent police stating that his wife Sumathi is a mentally retarded lady and the petitioner sold the share of Sumathi's father.

3.The learned counsel for the petitioner submits that the said Sumathi's father is none other than the petitioner's brother. He further submits that one Mooka Konar and Rakkayee, who are the petitioner's ancestors, got several properties. They had 2 sons and 2 daughters, namely, Duraisamy, Sithan, Alagammal and Muniammal respectively. The said Mooka Konar and his sons and daughters orally



partitioned the properties. As per the partition, the said Alagammal got properties in Survey No.2900 and she sold the same in the year 1974 itself. Similarly, the said Duraisamy and others were given properties. The petitioner and the said Pandi are the daughter and son of the said Duraisamy. In the year 1976, through a registered partition deed, the petitioner's mother Sundariammal, the petitioner and the said Pandi were given properties. But in the partition deed, the property in Survey No.22 was not mentioned and the property in Survey No.2900 was given to the petitioner. Later the petitioner came to know that the property in Survey No.2900 was already sold out by Alagammal. Subsequently, the said Sundariammal, Pandi and the petitioner through an oral partition allowed the petitioner to take the property in Survey No.22. After that the petitioner by a registered sale deed dated 04.02.1987 sold out the said property. After 28 years, a Civil Suit in O.S.No.34 of 2014 was filed by the complainant to declare the said sale deed as null and void and the same is pending consideration. Pending suit, the present complaint has been registered against the petitioner in Crime No.47 of 2017. Hence, the defacto complainant gives a criminal colour to the civil dispute.

4. The learned Additional Public Prosecutor affirmed the fact that there is a civil dispute pending.

5. This Court heard the submissions made on either side and the intervenor.

6. Considering the facts and circumstances of the case and also considering the fact that already there is a civil dispute pending between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for Anti Land Grabbing, Madurai and on 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 Special Judge concerned and the petitioner shall appear before the respondent Police as and when necessary for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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 shall stand automatically dismissed.

sd/-

30/06/2017

/ TRUE COPY /

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



TO

1 THE SPECIAL JUDGE FOR ANTI LAND GRABBING, MADURAI.

2 THE INSPECTOR OF POLICE,  
ANTI LAND GRABBING SPECIAL CELL, MADURAI CITY.

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.25641

PJL

CSL/CM-MSA/SAR-III/06.07.2017 : 2P/5C

ORDER

IN

CRL OP(MD) No.7551 of 2017

Date :30/06/2017