



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

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.22281 and 22637 of 2016

RAMAMOORTHY ... PETITIONER/ ACCUSED NO.1
IN CRL OP(MD)No.22281 of 2016

G.PARANEESWARAN ... PETITIONER/ACCUSED NO.2
IN CRL OP(MD)No.22637 of 2016

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR,
CRIME NO. 18/2016.

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

KASIRAJAN ... 2ND RESPONDENT/DEFACTO COMPLAINANT
IN CRL OP(MD)No.22637 of 2016

For Petitioner : M/S.D.MARIAPPAN Advocate in both the petitions

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Cr1. Side)

For Intervenor : M/S.S.RAMASAMY, Advocate

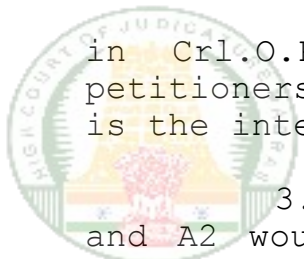
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Orders Reserved on 05.01.2017

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 467, 468, 471, 420, 294(b) and 506(ii) of IPC., in Crime No.18 of 2016, seek anticipatory bail.

2. The petitioner in Cr1.O.P(MD)No.22281 of 2016 is arrayed as A1 and the petitioner in Cr1.O.P(MD)No.22637 of 2016 is arrayed as A2 in Crime No.18 of 2016, on the file of the respondent Police. The FIR was registered on 19.11.2016, as per the order of this Court



in CrI.O.P(MD)No.17465 of 2016, dated 11.02.2016 against the petitioners herein. The petitioner in CrI.M.P(MD)No.11819 of 2016 is the intervener / defacto complainant in this case.

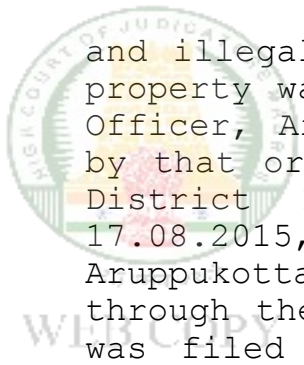
3. The learned counsel appearing for the petitioners / A1 and A2 would contend that one Velusamy Naicker had purchased the disputed property from Kaliyandi Puzhavar, as per the Sale Deed, dated 10.07.1944 and also from Krishna Puzhavar and legal heirs, under Sale Deed, dated 01.09.1943; that the legal heirs of the Velusamy Naicker had sold the disputed property along with other properties to various purchaser including the defacto complainant after dividing the same into 48 plots and they have disclosed their source of title to the purchasers and the purchasers had scrutinized the title deeds and other documents relating to the possession and the term 'Inam' was wrongly entered in SLR record; that a suit was filed in O.S.No.46 of 2016 at Sub-Court Virudhunagar, in which A1 is arrayed as 4th Defendant and when the Sub-Court had seized of the matter to decide the issue whether the Suit property is patta land or temple land, the respondent Police herein cannot decide the issue by conducting a parallel investigation.

4. The learned counsel appearing for the intervener / defacto complainant would contend that after purchasing the property, he came to understand that the disputed land belongs to 'Kumaran Temple', situate at Pavali Village and with regard to that so many complaints given to the Revenue Department and after due enquiry, the Revenue Divisional Officer, Aruppukkottai, passed an order, dated 27.07.2015, cancelling the patta granted in the name of the petitioner / A1 and others and patta in respect of the disputed property has been restored to 'Kumaran Temple' and the Revision filed by A1 was also dismissed by the District Revenue Officer, Virudhunagar, in his order, dated 17.08.2016. A1 sold the disputed property, as if he is the owner of the property and received Rs.4,23,360/- as a sale consideration and when the intervener asked him to return back the money to him, A1 and A2 used filthy words and threatened him with dire consequences and that custodial interrogation is absolutely necessary in this case.

5. The learned Government Advocate (crl.side) appearing for the respondent Police, on instructions, would submit that A1 is working now as Sub-Inspector of Police, at Virudhunagar East Police Station and he has sold the disputed land belonging to 'Kumaran Temple', situate at Pavali Village through A2 in this case to the intervener / defacto complainant for Rs.4,23,360/-, as a sale consideration, on the basis of false and forged patta, as if his own land, and cheated the complainant and also abused with filthy words and made a life threat to the defacto complainant and the investigation is still pending.

6. Perused the materials on record produced by either parties and also considered the rival submissions made in this case.

7. On perusal of the records it reveal that the disputed property in Sy.No.140/2 belongs to 'Arulmigu Kumaran Swamy Temple'



and illegal entries and change of patta in respect of the disputed property was set aside, as per the order of the Revenue Divisional Officer, Aruppukottai, in his order dated 27.07.2015 and aggrieved by that order, the Revision filed by A1 was also dismissed by the District Revenue Officer, Virudhunagar, in his order dated 17.08.2015, confirming the order of the Revenue Divisional Officer, Aruppukottai and also directing the petitioner / A1 to seek remedy through the civil Court. Hence, a civil Suit in O.S.No.41 of 2016 was filed and is pending before the Sub-Court, Virudhunagar, in which A1 is arrayed as 4th Defendant and the intervener is arrayed as 10th defendant and the Kumaran Temple is arrayed as 3rd defendant in respect of the disputed property. The rights of disputed property is seized by the competent civil Court in which the 3rd defendant is also arrayed as party to the Suit. The 3rd defendant is the 'Arul Migu Kumaran Koil'.

8. The contention and also claim between the parties in this case are on the basis of records. The claim made by A1 in respect of the disputed property is in subjudice before the civil Court. The custodial interrogation is not required in this case.

9. Considering the above facts and circumstances of the case and the claim made between the parties, on the basis of the records, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that each petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall report before the respondent daily at 10.30 a.m., until further orders, for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

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 petitions for anticipatory bail stand dismissed.

sd/-
23/03/2017

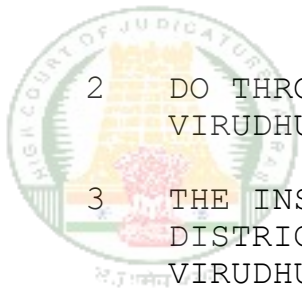
/ TRUE COPY /

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

TO

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

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR.

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

+1. CC to M/S.D.MARIAPPAN Advocate SR.No.17135
+1 cc to M/S.G.MARIAPPAN, ADVOCATE, SR No. 17136

MPK
CSL/BS/SAR-III/24.03.2017 : 4P/7C

ORDER
IN
CRL OP(MD) No.22281 and 22637 of 2016
Date :23/03/2017