



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.629 of 2018

1 L.K.PRABHAKARAN
2 KAMALAM

... PETITIONERS/ ACCUSED NO.1&2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
TRICHY CITY
(IN CRIME NO.47/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.MEENAKSHI SUNDARAM, Advocate for
M/S.B.VIJAY Advocate

For Respondent : MR.A.BOBINSON, Government Advocate (Crl. Side)

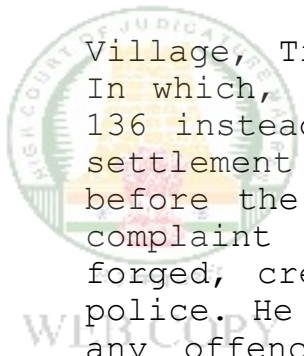
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 415, 420, 465, 467, 468 and 471 I.P.C., in Crime No.47 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the defacto complainant, namely, S.Vaithiyanathan, working as Assistant Commissioner, Ariyamangalam Zone, Trichy Corporation, stating that the petitioners herein created fraudulent documents relating to the Settlement Deed (Doc.No.6683 of 2015) and Rectification Deed (Doc.No.193 /2017) executed by the first petitioner in favour of the second petitioner in respect of the land situated in Survey No.131, Maruthi Nager, M.K.Kottai, Althur Village, Trichy.

3.The learned counsel appearing for the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The first petitioner is the owner of the property situated in Survey No.131, Maruthi Nager, M.K.Kottai, Althur Village, Trichy and he is in enjoyment and possession of the said property. The first petitioner executed a settlement deed in favour of the second petitioner on 30.10.2015 in respect of the land situated in Survey No.131, Maruthi Nagar, M.K.Kottai, Alathur



Village, Trichy measuring about 26 cents in document No.6683/2015. In which, the first petitioner wrongly stated the survey number as 136 instead of 131. Hence in order to correct the mistakes in the settlement deed, the first petitioner made a rectification deed before the Joint-I, Sub-Registrar, Trichy. Per contra, the defacto complaint stated that in support of rectification deed were all forged, created and hence lodged a complaint before the respondent police. He further submitted that the petitioners have not committed any offence as alleged by the prosecution. Hence he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that the entire records created by the petitioners as bogus. According to him, investigation is not completed.

5. Considering the submissions made on either side, it disclose that the offence under Sections 415, 420, 465, 467, 468 and 471 I.P.C., in Crime No.47 of 2017, has been registered against the petitioners. It is alleged that the petitioners herein forged the revenue records, encroached the property in T.S.No.13, Melakalkandarkottai, Ariyamangalam. But subsequent to the registration of this case, the eviction proceedings are initiated by the Commissioner, Trichy Corporation. The said proceedings as of now stayed by the Division Bench of this Court. Since all the documents are all available with the Revenue Department, custodial interrogation is not necessary for completing the investigation. If the case of the prosecution may be true one, the offence of forgery has to be identified by means of chemical examination. Therefore, the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report before the respondent Police daily at 10.00 a.m. Untial further orders.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
12/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES, TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, TRICHY CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.VIJAY Advocate SR.No.42072

MSA
GJM/CSL/RR/SAR-I-18.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.629 of 2018
Date :12/01/2018