



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

Wednesday, the Fifth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.14354 of 2018

1 HARIHARAN

2 SENTHILKUMAR

... PETITIONERS/ ACCUSED 1 & 4

Vs

THE STATE BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, ALGSC, THENI.

CRIME NO.30 OF 2018

... RESPONDENT / COMPLAINANT

MANI

... PETITIONER/INTERVENOR/DEFACTO COMPLAINANT

For Petitioner : M/S.D.VENKATESH Advocate

For Respondent : MR.V.NELAKANDAN

ADDITIONAL PUBLIC PROSECUTOR

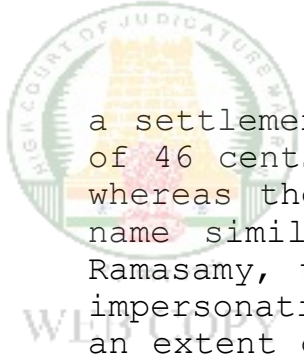
For Intervenor : MR.G.KARRUPASAMY PANDIYAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Sections 419, 420, 465, 468, 471, 406 and 109 of I.P.C, in Crime No.30 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father purchased the land in Jameen Byemas Nos.1050, 1057 and 1059 by virtue of a sale deed dated 13.02.1943. After the demise of the father of the defacto complainant, patta got changed in the name of his mother namely Akkammal. During the year 1982, the defacto complainant migrated to Dindugul. After some years, his mother also died. Now, the first petitioner stated the property belongs to him. The defacto complainant obtained encumbrance certificate and find the first petitioner got property through a settlement deed dated 07.07.2018. In the settlement deed, the name of the first petitioner's mother was stated as Kannammal, D/o.Ramasamy @ Muthappa Gounder. Thereafter, in the year 2018, the first petitioner executed



a settlement deed in favour of the second petitioner for an extent of 46 cents. The defacto complainant belongs to Naidu community and whereas the petitioners belongs to Gounder Community. By using the name similarly of the father of the defacto complainant namely, Ramasamy, the mother of the petitioners executed settlement deed by impersonation. The said property is situated in Survey No.288/4 with an extent of 93 cents at Odaipatti Village. The third accused being Sub-Registrar, helped the petitioners for registration. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioners are an innocent and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4.Heard the learned Additional Public Prosecutor appearing for the respondent and the learned counsel for the intervenor.

5.Considering the facts and circumstances of the case the dispute is in civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioners 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 dismissed.

sd/-
05/09/2018

/ TRUE COPY /

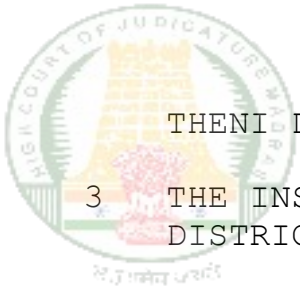
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRARE/SPECIAL COURT
FOR LAND GRABBING CASES, THENI

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

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE



THENI DISTRICT

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, ALGSC, THENI,

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.17065

ORDER

IN

CRL OP (MD) No.14354 of 2018

Date :05/09/2018

MSI/PN/SAR-I/17.09.2018-3P/6C