



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

Thursday, the Thirty First day of January Two Thousand Nineteen
PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.1321,1322,1323,1325 and 1336 of 2019

1.RATHI DEVI
2 ANNA SURESH
3 JOHN KENNEDY
4 PARAMESWARI

... PETITIONERS / ACCUSED Nos.2 TO 5
IN CRL OP(MD).NO.1321 OF 2019

K.BALACHANDRAN

... PETITIONER/ACCUSED NO.7
IN CRL OP(MD).NO.1322 OF 2019

1.GANESH
2.FRANCIS GNANA ANDREWS MANI

...PETITIONERS/ACCUSED NOS.8 & 9
IN CRL OP(MD).NO.1323 OF 2019

SENTHIL KUMAR

... PETITIONER/ ACCUSED NO.6
IN CRL OP(MD).NO.1325 OF 2019

M.SUBRAMANIAN

...PETITIONER/ACCUSED NO.1
IN CRL OP(MD).NO.1336 OF 2019

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
(IN CRIME NO.2/2019)

... RESPONDENT/COMPLAINANT IN ALL PETITIONS

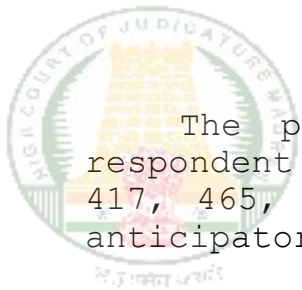
For Petitioner : MR.M.CHELLAPANDIAN Advocate
IN CRL OP(MD).NO.1321 OF 2019
: MR.C.RAJIV RAJA
IN CRL OP(MD).NO.1322 OF 2019
: MR.C.GANGAI AMARAN
IN CRL OP(MD).NO.1323 OF 2019
: MR.K.M.KARUNAKARAN
IN CRL OP(MD).NO.1325 OF 2019
: MR.M.SAKTHIKUMAR
IN CRL OP(MD).NO.1336 OF 2019

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side) IN ALL PETITIONS

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

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

ORDER : The Court Made the following order :-



The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 417, 465, 468, 471, 420 r/w. 109 IPC in Crime No.2 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and his wife had executed a registered power deed and subsequently, power deed had been revoked and thereafter, A1 had registered the documents to other accused viz., A2 to A5. One of the purchaser of the property is the wife of the Sub Registrar.

3. The learned counsel for the petitioners would submit that as per the agreed terms, the power of attorney had made payments and on receipt of the same the transaction particulars have been produced. Due to the difference of opinion between the defacto complainant and the power of attorney, the defacto complaint had given a power of attorney at kanyakumari, Sub Registrar Office and had claimed that he had cancelled the same at Thirunelveli, Sub Registrar Office and the same to be taken note by the Sub Registrar Office, which objected on the ground that the power of attorney has not been cancelled in the office where it is no jurisdiction.

4. The learned Government Advocate (Crl. Side) appearing for the respondent on instructions would submit that the accused have joint together and created forged documents and cheated the Power of Attorney. He would further submit that on receipt of the complaint investigation has been carried out. The accused signature and thumb impression have obtained. Though one of the documents is available before with defacto complainant as well in the office of the Sub Registrar, the petitioners had not access the same.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 Special Court for Land Grabbing Cases, Thirunelveli on condition that each of the 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner / A1 in CrI.O.P(MD).No.1336 of 2019 shall appear before the respondent Police daily at 10.30 a.m., until further orders and the other petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness



either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

[g] It is made clear that the petitioners are directed to appear for the purpose of providing finger print and specimen signature and writing and if they fail to do so, the anticipatory bail granted shall stand dismissed.

sd/-
31/01/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
SPECIAL COURT FOR LAND GRABBING CASES,
THIRUNELVELI.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- +1. CC to MR.M.CHELLAPANDIAN Advocate SR.No.2098
- +1cc to MR.M.SAKTHIKUMAR, Advocate in SR.No. 2102
- +1. CC to MR.C.RAJIV RAJA, Advocate SR.No.2099
- +1. CC to MR.C.GANGAI AMARAN, Advocate SR.No.2100
- +1. CC to MR.K.M.KARUNAKARAN Advocate SR.No.2101

ORDER

IN

CRL OP (MD) Nos.1321,1322,1323,1325 & 1336/2019
Date :31/01/2019