



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/12/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

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CRL OP(MD).Nos.18842, 18919 and 19133 of 2019

In CrI.O.P. (MD)No.18842 of 2019 :

P.Katchi Kannan, ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District,
Theni (Crime No.28 of 2019). ... Respondent/Complainant

For Petitioner : M/s.B.Saravanan,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Balakarthik, Advocate

In CrI.O.P. (MD)No.18919 of 2019:

S.Muralikrishnan, ... Petitioner/A-1

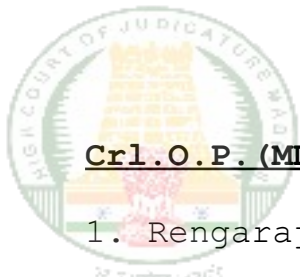
Vs

State rep.by The Inspector of Police,
District Crime Branch,
Theni District,
Theni. (Crime No.28/2019). ... Respondent/Complainant

For Petitioner : Mr.Ajmal Khan, Senior Counsel for
M/s.A.K.Manickam, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Balakarthik, Advocate



Crl.O.P. (MD)No.19133 of 2019:

1. Rengarajan

2. Vijayanand

... Petitioners/Accused Nos. 3 & 5

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Theni
Crime No.28 of 2019.

... Respondent/Complainant

For Petitioners : M/s.P.Arun Jayatram,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Balakarthik, Advocate

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

COMMON PRAYER :-

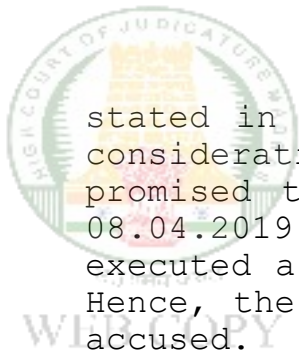
for Anticipatory Bail in Crime No.28 of 2019 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Heard the learned Senior Counsel for the first accused and the learned counsel for the other accused, the learned Court appearing for the intervenor and the learned Government Advocate.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 406, 420, 120(b) and 506(i) of IPC, in Crime No.28 of 2019 on the file of the respondent police, seek anticipatory bail.

3.It is seen that there was a sale agreement between the defacto complainant Pal Lingam and the A1 and his family members. A1 also subsequently executed a power deed dated 03.03.2008 in favour of the defacto complainant. According to the defacto complainant, he also executed a unregistered sale deed dated 03.03.2008. According to the defacto complainant, the recitals

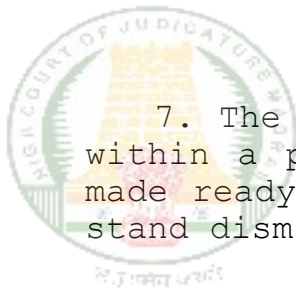


stated in the document would clearly indicate that the entire sale consideration had been remitted. He would further contend that A1 promised the defacto complainant to execute a sale agreement on 08.04.2019. But A1, in connivance with the other accused have executed a sale deed dated 09.08.2019 in favour of A2 Katchikannan. Hence, the case on hand came to be registered. There are totally 6 accused. 4 out of 6 accused are before this Court seeking anticipatory bail.

4.The learned counsel for the intervener would point out that the jurisdictional Sub Registrar Office would be Cumbum SRO. But then, the document was fraudulently got registered before the SRO of Chinnamanur. He would pointed out that the document comprised only 15 Sq.ft of land in Chinnamur limits. Since the original documents are very much with the defacto complainant, in order to cheat the process of law, the accused have given an on-line complaint as if the original documents are missing and got the document registered on the same day before SRO, Chinnamanur.

5.No doubt, the objections raised by the learned counsel for the intervener are strong and forceful. But then, certain other aspects will have to be taken note of. The sale agreement dated 06.09.2006 pertains to some 15 acres of land. A portion of the land had been acquired in an land acquisition proceedings. The petitioners have filed a typed set including copies of the four sale deeds dated 14.03.2012 and 26.03.2012. It can be seen there from that 9 acres and 18 cents have already been transferred to the family members of the defacto complainant. After deducting the land taken under the land acquisition proceedings, the balance of 1.43 acres was left. The same was sold to the second accused by the first accused. Since, a substantial part of the contract has already been complied with, notwithstanding the suspicious nature of the registration process pertaining to the sale deed dated 09.08.2019, I am of the view that the petitioners are entitled to anticipatory bail. This is all the more so, because the cause of action relied on by the defacto complainant is more than a decade old. The case against the petitioners rests on documentary evidence. Therefore, their custodial interrogation is not at all warranted.

6.Therefore, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Theni, and on their 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



7. 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT, THENI
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.Arun Jayatram, Advocate.(SR-22265 dated 19/12/2019)
+1 CC to M/s.A.K.Manickam, Advocate (SR-22291 dated 20/12/2019)
+1 CC to M/s.B.SARAVANAN, Advocate (SR-22311 dated 20/12/2019)

ORDER
IN
CRL OP (MD) .Nos.18842, 18919
and 19133 of 2019
Date :19/12/2019

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