

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4101 of 2020

1 CHINNAMMAL @ CHINNAKULANDAI [PETITIONERS / ACCUSED]
2 BALAGURU
3 NIRMALA
4 LAKSHMI @ LOGAMMAL
5 BALAKUMARI
6 SATHISHKUMAR

Vs

THE SUB INSPECTOR OF POLICE [RESPONDENT]
DCB POLICE STATION,
LAND GRABBING CELL,
THIRUVANNAMALAI DISTRICT.
CR.NO.20 OF 2019

For Petitioner : M/S.G.SELVI GEORGE Advocate

For Respondent : M/S. SARATHA DEVI.V, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of respondent/police for the alleged offence under sections 465, 468, 471 and 420 r/w 120(b) of IPC, in Cr.NO.20 of 2019, on the file of the Inspector of Police, have filed the present petition.

2.Since the defacto complainant was not provided with a share in the ancestral property, she has filed the present complaint before the respondent police against A-1 to A-6, viz., her mother, brothers/sisters and brother's son.

3. It is submitted by the learned counsel for the petitioners that A-2, the son of A-1, had devoted his entire life for the welfare of the family and, in recognition of his sacrifice, the sisters, barring the defacto complainant, had agreed to give one of the property exclusively to A-2 and his son A-6, which was not agreed to by the defacto complainant, which prompted the defacto complainant from filing the present complaint. It is the further submission of the learned counsel for the petitioners that pursuant to the above complaint, release deed has been executed cancelling the settlement deed entered into conveying the property in favour of A-2 and a-6 and that the property has been restored back to its original position. In

the above circumstances, the petitioners pray for grant of anticipatory bail.

4. The Sub Inspector of Police, who had registered the case is present before this Court. Learned Government Advocate (Crl. Side), on instructions, submit that as per the direction of the lower Court, the present complaint has been taken on file and registered.

5. Taking into consideration the facts and circumstances of the case and that the whole case lingers around a family dispute in respect of apportionment of share of property among the siblings, this Court is of the considered view that the entire transaction is civil in nature and lodging the complaint is only for the purpose of giving a criminal colour to it. Therefore, this Court is of the considered view that the petitioners herein are entitled for grant of anticipatory bail, without any attendant conditions.

6. Accordingly, the petition is allowed and the petitioners are directed to be released on bail on execution of own bond for a sum of Rs.10,000/-, by each of the petitioner, in the event of their arrest or on their appearing before the Judicial Magistrate No.I, Tiruvannamalai, within a period of fifteen days from the date of receipt of a copy of this order.

-sd/-

24/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
LAND GRABBING CELL,
THIRUVANNAMALAI DISTRICT.

CC to M/S.G.SELVI GEORGE Advocate on payment of necessary
charges Sr.3589

CRL OP.4101/2020

Date :24/02/2020

RVR 26/02/2020



WEB COPY