



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5429 of 2020

1. Sakthi
Wrongly mentioned as Sakki

2. Rajammal
3. Latha

... Petitioners/Accused 1 to 3

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Ramanathapuram Police Station,
Ramanathapuram District.
(Crime No.29 of 2020).

... Respondent/Complainant

For Petitioners : Mr.T.Lajapathi Roy,
Advocate.

For Respondent : Mr.S.Chandra Sekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 29 of 2020 on the respondent police.

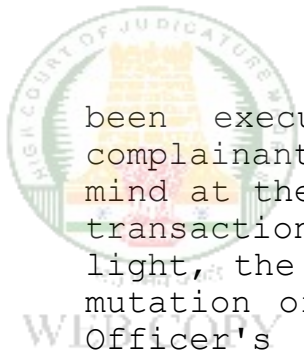
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 468, 471, 420, 294(b) and 506(ii) IPC, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners have created forgery documents specifically, the sale deed alleged to have

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been executed by Muruganantham in their favour. The defacto complainant has stated that the said Muruganantham was not sound in mind at the date of said sale deed and by way of forgery, fraudulent transaction has been taken place in the year 2011. When it came to light, the complaint was given to the revenue officials to undo the mutation of revenue records. Subsequently, the Revenue Divisional Officer's in his proceedings cancelled the patta which was fraudulently transferred in the name of the petitioners vide order dated 08.09.2016. Hence, the offences under Sections 120B, 465, 468, 471, 420, 294(b) and 506(ii) IPC have been committed by the petitioners and others.

4. Whereas, the case of the petitioners is that on the date of alienation ie., 01.07.2011, the said Muruganantham was in sound disposition of mind and the sale deed executed in favour of the second accused is valid. Based on the said sale deed, patta and other revenue records were mutated in favour of the second petitioner / Rajammal. However, in the appeal preferred by the defacto complainant, the Revenue Divisional Officer has passed an order, cancelling the change of patta. The said order is now subject matter of the appeal before the Revenue Divisional Officer. The dispute being purely civil in nature, there is no necessity for custodial interrogation of the petitioners. If the respondent needs to investigate the matter, the petitioners are ready to co-operate.

5. Taking note of the allegation made against the petitioners in the First Information Report and the stand taken by the petitioners, this Court finds that on the date of executing the sale deed by the said Muruganantham, whether he was in sound disposition of mind and whether he had any alienable right to confer title in favour of the second petitioner are to be enquired. This issue can be investigated even without detaining the petitioners, provided they co-operate with the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing bond for a sum of Rs.25,000/- and further the petitioners shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate, Special Court for Land Grabbing, Ramanathapuram District, on or before 05.06.2020 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the investigating officer daily until further orders for interrogation;

(c) the petitioners shall not tamper with evidence or witness



(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 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/05/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

**Note: Due to lock-down on account of COVID-19,
this order copy may be treated as true copy.**

TO

1. THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING,
RAMANATHAPURAM DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5429 of 2020
Date :22/05/2020

MYR
TE/VR/SAR-III : 22/05/2020 : 3P/5C