



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on: 03.06.2020

Pronounced on : 05.06.2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5524 of 2020

1. Nirmala
2. Ayyakannu

... Petitioners/Accused

Vs

The Inspector of Police,
Fort Police Station,
Tiruchirapalli City.
Cr.No.166/2020.

... Respondent/Complainant

For Petitioners : M/s S.Muthukrishnan,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

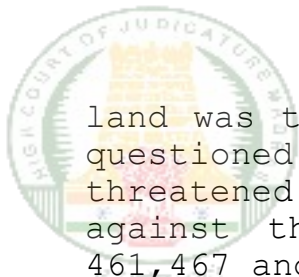
PRAYER :-

To release the petitioner on bail in the event of their arrest by the respondent pending investigation in Cr.No.166/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein are accused 1 and 2 in the case registered by the respondent police pursuant to the complaint given by one Lawrance Edward Raj on 19.03.2020 against four named persons and 20 others.

2. The specific allegation found in the First Information Report against these petitioners is that a piece of land in Karur Bye Pass, Sinthamani, Tiruchy in S.No.4 and 7 to an extent of 30 cents owned by one A.M.Mohammed Fazulhakkins. The defacto complainant on 01.10.2019 entered into agreement with the said A.M.Mohammed Fazulhakkins for lease of the said land to establish a cat showroom. The defacto complainant has taken possession of the land and kept it clean for his use. While so on 18.03.2020 the said



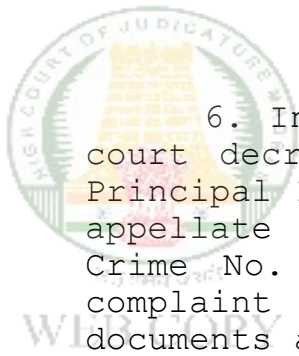
land was trespassed by these petitioners and others . When it was questioned by the defacto complainant he was man-handled and threatened with dire consequences. Hence a case has been registered against the petitioners for offences under Sections 447,294(b), 461,467 and 506(ii) of IPC.

WEB COPY

3. The learned counsel for the petitioner would submit that the first petitioner is a functionary in AIADMK party and the second petitioner is a lawyer and founder of South Indian Rivers interlinking Agriculturalist Association. The property in question was originally owned by St. Joseph College and Church, Trichy. One Jeyamary, the mother of the first petitioner was enjoying the property as cultivating tenant. The College society in the year 1979 through a resolution donated the said land to Jeyamary. On the death of Jeyamary in the year 2015 the first petitioner being one of her six daughters inherited the property. The first petitioner entered into agreement of sale of 5000 Sq.ft with one Samraj for constructing Christian Sabha. In the month of December 2019 the said Samraj has put up construction and installed materials totally worth Rs.45 lakhs. While so, on 19.03.2020 Lawrance Edward Raj, the defacto complainant in this case along with rowdy elements came to the property and demolished the structure using JCB. In this regard complaint has been given against the said Samraj before the respondent police and the same is registered in Crime No. 167 of 2020. To torpedo the said complaint the said Lawrance Edward Raj with the influence of the respondent police, had given a counter complaint against these petitioners and other as if they have committed criminal trespass and forgery.

4. The learned counsel for the petitioner would further submit that the first petitioner is the lawful owner of the said property and the second petitioner is the social activist. When they questioned the unlawful act of the defacto complainant a false complaint has been registered with ulterior motive.

5. The respondent police has filed detailed counter wherein it is stated in the counter that in the year 1988, 30 cents of land in S.No.4 and 7 at Sinthamani was sold by Rev.Father. J.S.Jeyapathi Procurator of St.Joseph College Society to one Magabubi. She has bequeathed that property to her daughter. Around 2.5 acres of land in S.No.21 falling on the southern side of the Karur Bye Pass road was sold to one Lakshmanan of Thennur and his relatives by Rev.Father J.S.Jeyapathi, the procurator of St.Joseph College Society. Since 2019, one group claiming right and title through Jeyamary the mother of this first petitioner and other group claiming title through Megabubi and Balakrishnan are fighting for the property by filing suits and criminal complaints against each other. First a case under Section 145 Cr.P.C was registered at Thennur Police Station in Crime No.764 of 2017. Later on 17.12.2018 another case under Section 145 of Cr.P.C was registered by the Fort Police Station in Crime No.605 of 2018.



6. In respect of land in S.No.21 one Balakrishnan got a civil court decree in his favour in O.S.No.455 of 2007 on the file of Principal District Munsof, Trichy. This decree was confirmed by the appellate courts. The said Balakrishnan has given a complaint in Crime No. 17 of 2019 against one Pitchaimuthu and others. This complaint is under investigation. Thus, based on fabricated documents and records rival claims are made by different groups. The petitioners belong to one group who are tracing right through an alleged resolution of the Society try to dis-possess the defacto complainant group in this case by using force. Hence case has been registered against them.

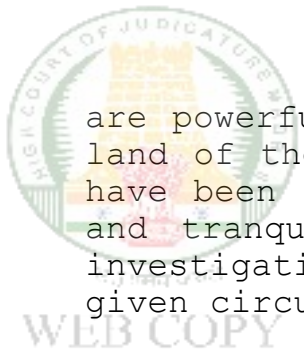
7. In the counter regarding allegation of demolishing the structure, it is specifically stated by the Inspector of Police that there is no construction in the said land and the allegation of demolishing the building property worth Rs.45lakhs appears to be a false complaint. It is stated in the counter that in the light of gravity of offence and long pending litigation civil suit, criminal proceedings, the genuineness of the documents relied by the parties needs to be tested and verified . Time is required for completing the investigation. Meanwhile these petitioners who are powerful in the society are trying to tamper the investigation and records. Hence anticipatory bail sought by the petitioner has to be rejected.

8. To rebut the contentions of the police, the learned counsel for the petitioners has circulated photographs and copies of civil suits, criminal proceedings and complaint filed by the several parties in connection with the subject property.

9. From the perusal of the documents this Court finds that in a connected writ petition direction has been given to the Revenue Divisional Officer to keep the enquiry in abeyance till disposal of the civil suit in O.S.No.547 of 2018. This order came to be passed in W.P.(MD) No.17910 of 2019 filed by the first petitioner. Date of the order is 09.09.2019. Soon after this order the first petitioner has given complaint against Balakrishnan and others on 24.09.2019. From the petition this Courts finds that pending O.S.No.547 of 2018 and Revenue Divisional Officer, these petitioners are alleged to have entered into agreement with one Samraj during the month of December 2019 for constructing christian sabha in the disputed site.

10. It is evident from the records relied by the petitioners that even before finalising the genuineness of the documents relied by the petitioners they have entered into agreement with third parties to meddle with the property and this had led to case and counter case.

11. Since grave allegations are made against these petitioners regarding forgery, trespass and fabrication of documents, this Court is of the view that custodial interrogation of these petitioners is necessary. The facts of the case indicates that multiple parties who



are powerful in the society are entangled in the fight to grab the land of the society. For the said purpose documents are alleged to have been forged. This has led to serious disturbance to the peace and tranquility in that area. Hence it is not conducive for investigation to grant anticipatory bail to the petitioners in the given circumstances.

12. Hence the petition stands dismissed.

sd/-
05/06/2020

/ TRUE COPY /

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE,
FORT POLICE STATION,
TIRUCHIRAPALLI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5524 of 2020
Date :05/06/2020

MS/PN/SAR-2/09.06.2020/4P.3C