



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

Date : 16/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7154 of 2020

1. Selvi
2. Radha
3. Kathiresan
4. Palanichamy
5. Murugesan
6. Bhuvaneswari

... Petitioners/
Accused(Rank not known)

Vs

The State rep. by

1. The Deputy Superintendent Of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Dindigul, Dindigul District..
2. The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Dindigul,
Dindigul District.

... Respondents/Complainants

Rani

...Petitioner/Intervener/
Defacto complainant
(in CRL MP(MD) No.3610/2020 in
CRL OP(MD) No.7154/2020)

For Petitioners: M/s.N.Sathish Babu,
Advocate.

For Respondents: Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

For Intervener : Mr.T.Sakthikumaran, Advocate
for Mr.K.Seemaraaj

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



PRAYER :-

For Anticipatory Bail in Cr.No.8 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 467, 468 and 471 of I.P.C., in Crime No.8 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The allegation is that the de-facto complainant is the sister of one Chelladurai. The petitioners are legal heirs of the first Wife of one Kamatchi Gounder. The de-facto complainant and Chelladurai are daughter and son of the second wife of Kamatchi Gounder. The said Chelladurai is no more. Now the allegation is that the property belongs to one Chelladurai has been sold by the petitioners herein. Hence, the complaint.

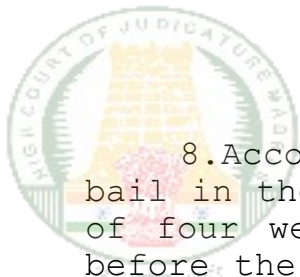
3.The learned counsel appearing for the petitioners would submit that earlier there was a oral partition in the family, in which, the property belongs to Chelladurai, was divided by all the legal heirs of Kamatchi Gounder. Now claiming exclusive right over the property, the de-facto complainant has given a criminal complaint against the petitioners.

4.The learned counsel appearing for the intervenor vehemently contended that the property exclusively belongs to Chelladurai, the petitioners have no right over the property. The de-facto complainant is the sister of the deceased Chelladurai and she is only alone entitled to the property. Now, without knowledge of the de-facto complainant, the petitioners have grabbed the entire land and sold it to third party.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.

6.On perusal of the records, it is seen that there is a dispute between the parties regarding the title over the property and the petitioners' counsel submitted that in earlier, there was a oral partition between the parties, in which, the disputed properties were given to the petitioners also.

7.Considering the facts and circumstances of the case and also considering the fact that there is a dispute between the brother and sister title over the property, I am inclined to grant anticipatory bail to the petitioners with certain conditions.



8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 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 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 petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/09/2020

/ 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 JUDICIAL MAGISTRATE NO.II,
DINDIGUL DISTRICT.

2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGUL DISTRICT.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.

4. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH,
DINDIGUL, DINDIGUL DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-6485[I] dated 17/09/2020)

ORDER

IN

CRL OP(MD) No.7154 of 2020

Date :16/09/2020

SJI

SRS/ JC/ SAR-I/ 22.09.2020/ 4P/7C