



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10344 of 2020

S.Palani Kumar @ Thodu Palani Kumar ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
CCB, Madurai District,
Crime No.35 of 2020. ... Respondent/Complainant

For Petitioner : M/s.E.Sathish Kumar,
Advocate.
For Intervenor : Mr.S.Ravi, Advocate
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

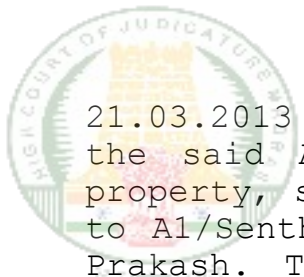
PRAYER :-

For Bail in Crime No.35 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 01.08.2020 for the alleged offences under Sections 120 (B), 465, 466, 467, 468, 471, 419 and 420 of IPC.

2. There are totally four accused in this case and the petitioner herein is arrayed as A2. The case of the prosecution is that the A4 was working as Sub-Registrar, at Joint IV Registration Office, Madurai South, Madurai District. An extent of 54 cents of land comprising in Survey No.251/3, at Madakulam Village, Madurai City, belongs to one Alagu Kudumban and, he died leaving behind his four daughters as his legal heirs, namely, Pachammal, Periyalakshmi, Ammachiammal and Chinnaalakshmi @ Lakshmi. Out of four, one Ammachiammal and Chinnaalakshmi @ Lakshmi alone alive today, however, there are number of legal heirs available to the deceased daughters of the said Alagu Kudumban. Earlier, the said Chinnaalakshmi @ Lakshmi, has relinquished her share by a registered deed dated



21.03.2013 in favour of Ammachiammal. Thereafter, out of 54 cents, the said Ammachiammal, being one of the co-sharers of the said property, sold the entire extent to A1 to A3, viz., 25 cents of land to A1/Senthilkumar, 19 cents to A2/Palanikumar and 10 cents to A3 Prakash. Thereafter, A1 to A3 proposed to sell the land to the defacto complainant herein by name Mahalingam, and one Kumar, through some mediators and after negotiation, the defacto complainant herein has agreed to buy the above property for the total sale consideration of Rs.3,37,50,000/- (Rupees Three Crores Thirty Seven Lakhs and Fifty Thousand Only) and on 07.01.2019, the defacto complainant has paid a sum of Rs.39,00,000/- to A2 and entered into a sale agreement. Subsequently, A1 to A3 have received a sum of Rs.84,50,000/- and Rs.15,50,000/- from the defacto complainant on 11.01.2019 and 18.01.2019 respectively.

3. The learned counsel for the petitioner would submit that the petitioner herein is only A3 and the allegations are against A1 and A2 and the petitioner is no way connected with the said crime. He would also submit that he has not sold the property to A2.

4. The learned counsel for the intervenor would submit that the petitioner has received a sum of Rs. 1 Crore from the defacto complainant. The petitioner also committed forgery on cancelling release deed with bogus legal heirs.

5. The learned Government Advocate(Crl.Side) would submit that the petitioner is a habitual offender and having four previous cases against him. He along with A1 and A2 with connivance of A4 had committed forgery.

6. Taking into consideration all the facts that the petitioner herein not only committed forgery but also cancelled the release deed with bogus legal heirs and also taking into consideration the fact that the petitioner is a habitual offender and if he is released on bail he will tamper with the witnesses and indulge in similar type of offences again,hence this Court is not inclined to grant bail to the petitioner.

7. In the result, the petition stands dismissed.

sd/-
25/09/2020

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/ /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.

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- TO
1. THE INSPECTOR OF POLICE,
CCB, MADURAI DISTRICT.
 2. THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10344 of 2020
Date :25/09/2020

MS/VR/SAR-4/29.09.2020/3P.4C