



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

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PRESENT

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13536 of 2020

N.Rukumani

... Petitioner/Accused No.7

Vs

The State rep. by

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

2.The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Dindigul District.
Crime No. 8 of 2020.

... Respondents/Complainants

For Petitioner : Mr.S.Sarvagan Prabhu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.7, 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, seeks anticipatory bail.

2.The allegation is that the de-facto complainant is the sister of one Chelladurai. A1 to A6 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 A1 to A6 and executed a partition deed registered before the Sub Registrar, Nillakottai. Subsequently, the petitioner being the Thasildar of Nillakootai Taluk, issued patta to that effect. Hence, the complaint.

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

5.On perusal of the records, it is seen that there is a dispute between the parties regarding the title over the property and the petitioner's counsel submitted that in earlier, there was a oral partition between the parties, in which, the disputed properties were given to A1 to A6 also.

6.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 and the petitioner has only issued patta, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Dindigul, Dindigul District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/11/2020

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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, DINDIGUL DISTRICT.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
4. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.13536 of 2020

Date : 30/11/2020

VSG

SRS/SMA/SAR-III/08.12.2020/3P/6C

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