

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.485 of 2021

1 MOTTAIYAN [PETITIONERS /ACCUSED]

2 M.DEIVAMANI

3 M.KARUPPIAYA

4 M.KARTHICK

5 C.NALLATHAMBI

6 POOSAIMUTHU

7 ADBUL ALEEM

Vs

THE STATE OF TAMIL NADU, REP.BY, [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PERAMBALUR DISTRICT,
PERAMBALUR - 621212. CRIME NO.7/2020.

For Petitioners : M/S.P.MANI Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 415, 416, 417, 418, 419, 420, 421, 422, 423 and 424 of IPC in Crime No.7 of 2020, on the file of the respondent police, seeks anticipatory bail. The respondent registered the said case pursuant to the direction issued under Section 156(3) of Cr.P.C

2.The case of the prosecution is that the defacto complainant has been in possession and enjoyment of the lands that stood in the name of this father Mottaiyan, S/o.Alagan. The first petitioner herein (Mottaiyan, S/o.Sengamalai) got patta in his name with respect to the said lands by misrepresenting that he is Mottaiyan, S/o.Alagan and his sons viz., petitioners 2 to 4 have executed the partition deed dated 25.07.2016 and registered the same in the Office of Sub Registrar, Perambalur and the petitioners 5 to 7 helped them in the execution and registration of the said partition deed. Based on the same, the Tahsildhar, Perambalur transferred the patta in the name of the second petitioner. On the basis of the said partition deed, they have indulged in land grabbing. Hence, the present complaint has been registered.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the said lands are the ancestral property of the first petitioner's father Mottaiyan. Due to the family arrangement, the said lands were allotted to the first petitioner's father and some other lands were allotted to the defacto complainant's father. Taking advantage of the wrong entry made during UDR scheme, the defacto complainant gave the false complaint without filing civil suit to establish his alleged right over the said lands. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that in order to grab the property the petitioners have indulged in criminal activities. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts of the case and the nature of offence committed by the petitioner, more particularly land grabbing and that investigation of the case is still underway, this Court is of the opinion that it would not be justiciable to grant anticipatory bail to the petitioner at this point of time.

6.Accordingly, this Criminal Original Petition is dismissed.

-sd/-

08/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PERAMBALUR DISTRICT, PERAMBALUR - 621212.

2.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.MANI Advocate on payment of necessary charges

CRL OP.485/2021

Date :08/04/2021

TK/23.04.2021

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