

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Second day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2435 of 2020

1 RAJAMANI [PETITIONERS / ACCUSED]
2 SRIDEVI
3 SURESH KUMAR

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CCB-II, CHENNAI.
CR.NO.235/2018.

For Petitioner : M/S.C.SIVANESAN Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

For Intervener : M/S.R.SIVAKUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 455, 468, 471 and 34 of IPC. in Crime No.235 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the land to an extent of 31 cents in Survey No.108 at Porur Village, which was allotted to one Krishnamurthy Mudaliyar as per the settlement deed dated 11.09.1942. The said Krishnamurthy Mudalaiyar sold the said property under a sale deed dated 02.08.1952 to Mr.Mohanlal D.Dolia who in turn sold the property to Mrs.K.Sigappi Achi under a sale deed dated 02.02.1964 (doc.No.470 of 1964) and the said K.Sigappi Achi sold a portion of the land to one N.C.Sankaralingam, who has divided the land into 4 parts and sold it to 5 persons namely Mr.Mohamed Nasurullah, Mr.Mohamed Jaheer Hussain, Rahamathulla, Mr.Iqbal Abdul Aleem and Mr.RHaji Mohamed, who in turn settled the land in favour of their family members. While so, the first and second accused attempted to illegally encroaching the said property by showing some fake documents. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the first petitioner is the wife of the said Krishnamurthy Mudaliyar, who died intestate leaving behind the first petitioner and one Sridevi as his legal heirs. The first petitioner without the knowledge of the sale deed executed by her husband Krishnamurthy Mudaliyar inadvertently executed a settlement deed in favour of her daughter/second petitioner/Sridevi. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor would submit that the legal heirship certificate for the claim that Rajamani, Wife of Krishnamurthy Mudaliyar itself is a forged one. He further submits that the petitioners are land grabbers in the said locality and wherever they find empty land they used to create duplicate documents and attempt to defraud the land owners. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate would submit that the petitioners created fake documents and attempted to grab the land belonging to the defacto complainant. Hence ,he opposed for grant of anticipatory bail to the petitioners.

6. Taking into consideration the facts of the case and the nature of offence committed by the petitioner this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly this Criminal Original petition is dismissed.

-sd/-
02/07/2021

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,
CCB-II, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.SIVANESAN Advocate on payment of necessary charges

CRL OP.2435/2020

Date :02/07/2021

TA-29/07/2021