

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NOS.17377 & 18589 OF 2020

AND CRL.MP.NO.8176 OF 2020

1 R.SEETHARAMAN

[ PETITIONERS / ACCUSED

2 AMUTHA

IN CRL.OP.NO.17377 OF 2020 ]

3 KUMARAN

4 ABILASH @ ABILASH RAJIVDHARAN

5 GAYATHRI

6 AKILA

7 SATHYA @ SATHYA PRIYA

1 AROKIYARAJ

[ PETITIONER / ACCUSED ]

2 NANCY

IN CRL.OP.NO.18589 OF 2020 ]

3 UMMAIAMMAL

Vs

STATE REPRESENTED BY ITS:

[ RESPONDENT

INSPECTOR OF POLICE,

IN CRL.OP.NO.17377 OF 2020 ]

CBCID POLICE STATION,

PONDICHERRY

CRIME NO.18 OF 2020

THE UNION TERRITORY OF

[ RESPONDENT

PUDUCHERRY REP. BY,

IN CRL.OP.NO.18589 OF 2020 ]

THE INSPECTOR OF POLICE,

CBCID POLICE STATION,

ORLEANPET, PUDUCHERRY.

CRIME NO.18 OF 2020

P.RAJENDIRAN

[ PETITIONER / INTERVENER /

DEFACTO COMPLAINANT ]

[Ordered as per order of this Court dated 29/04/2021 made in  
CRL.MP.NO.8176 OF 2020 IN CRL.OP.NO.18589 OF 2020]

For Petitioner : M/S. A.ARASU GANESHAN Advocate  
[IN CRL.OP.NO.17377 OF 2020]

For Petitioner : M/S.V.S.SENTHILKUMAR Advocate  
[IN CRL.OP.NO.18589 OF 2020]

For Respondent : MR.BHARATHA CHAKARAVARTHY PUBLIC PROSECUTOR  
FOR PONDICHERRY [IN BOTH THE PETITIONS]

For Intervener : M/S.PADMA Advocate  
[IN CRL.MP.NO.8176 OF 2020  
IN CRL.OP.NO.18589 OF 2020 ]

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 offences punishable under Sections 406, 420, 471, 468, 120(B) r/w 34 IPC, in Crime No.18 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the property belongs to one Alavandar Nayakar Charity/Trust, under the control of Hindu Religious and Charitable Endowments Department, Government of Tamil Nadu. Further, Originally the property belongs to one Alavandar Naicker executed a Will to Muthukrishnan Naicker, Thereafter, the said Alavandar Naicker died 09.08.1914. Further, A-12 claimed that on 13.11.1995, the said Muthukrishnan Naicker executed a Will bearing Registration Document No.134/1995 at Sub Registrar's office T.Nagar, Chennai. Thereafter, the said Muthukrishnan Naicker died 21.03.1997. Based upon the said Will, A-12 K.M.Samy had executed a General Power of Attorney to A-3 Seetharaman vide Document No.1049/2006 dated 21.05.2006. Thereafter, the said A3 executed a sale agreement to one Kumaran (A6). Further, the said A3 Seetharaman executed unregistered sale agreement with the mother-in-law of the defacto complainant. The petitioners along with his family members had received a sum of Rs.1,63,00,000/- from the defacto complainant and created a bogus document in order to grab the property belonging to one Allavandar Naicker Trust and cheated the defacto complainant. Hence, the complaint was 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the petitioners are the close relatives of the defacto complainant. He would further submit that the property belongs to one Alavandar Charity Mahabalipuram and Arulmighu Kandasamy Murugan Temple, Tiruporur. He would further submit that the petitioners along with his family members have created a bogus Will and cheated the defacto complainant. He would further submit that the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor would submit that the petitioners had received a sum of Rs.1,63,00,000/- from the defacto complainant and cheated him. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

6. Considering the fact that the issue pertains to land grabbing, which is a menace in the present day scenario and even special Courts have been constituted to hear land grabbing cases and that the offence in the present case is of serious nature, and taking into account the fact that investigation is still pending and enlarging the petitioner on anticipatory bail at this point of time would be detrimental to the investigation, this Court is not inclined to grant anticipatory bail to the petitioners.

7.Accordingly, these Criminal Original Petitions are dismissed.

-sd/-

29/04/2021

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,  
CBCID POLICE STATION,  
PONDICHERRY.

2 THE INSPECTOR OF POLICE,  
CBCID POLICE STATION,  
ORLEANPET, PUDUCHERRY.

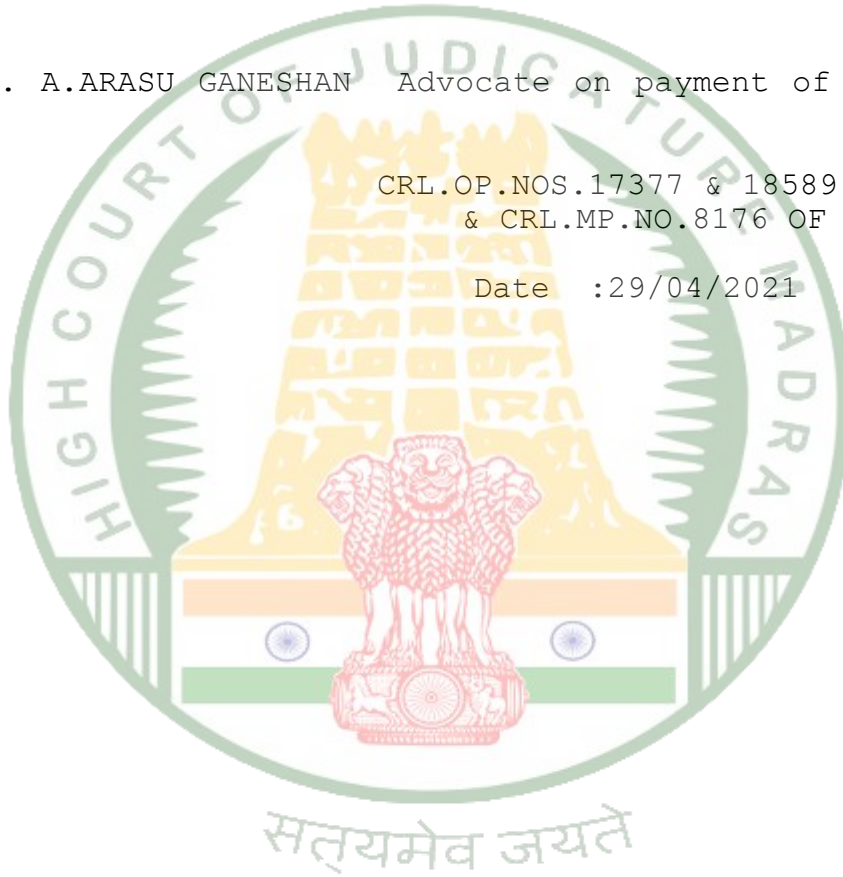
3 THE PUBLIC PROSECUTOR  
PUDUCHERRY.

CC to M/S. A.ARASU GANESHAN Advocate on payment of necessary  
charges

CRL.OP.NOS.17377 & 18589 OF 2020  
& CRL.MP.NO.8176 OF 2020

Date :29/04/2021

MK:06/07/2021



WEB COPY