

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.19224 of 2020

LAKSHMANAN

[PETITIONER /ACCUSED]

Vs

STATE REP BY [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-II,
ANTI LAND GRABBING SPECIAL CELL-II,
EGMORE, CHENNAI-600 088

For Petitioner : M/S S.SIVANANDAM 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 420, 465, 468 and 471 of IPC in Crime No.155 of 2015, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant viz., Vijayakumar purchased the property from Rukmaniammal and her legal heirs in the year 1997. The legal heirs of the said Rukmaniammal, once again sold the property to one Thangaraj in the year 2002. The legal heirs of Rukmaniammal had sold the very same property to two persons, viz., Vijayakumar and Thangaraj. The petitioner herein, without knowing the double transaction of the property, had purchased the property from Mr.Thangaraj in the year 2002. It is further averred that he is a bona fide purchaser and has been in occupation and enjoyment of the property since its purchase. However, the present complaint has been lodged by the defacto complainant, on the premise that the petitioner has also participated in the illegal transaction of purchasing the property to which the said Thangaraj did not have any title. Therefore, the complaint was filed by the defacto complainant before the law enforcing agency.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that he is the bonafide purchaser of the property, he had occupied the same and got the patta in the year 2004 from the

Revenue authority and enjoying the same for the past 18 years. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the defacto complainant purchased the property from the legal heirs of the Rukmaniammal in the year 1997.

5. A perusal of the complaint as also the annexed records reveal that the defacto complainant had purchased the property in the year 1997 itself from the legal heirs of Rukmaniammal and it is alleged that the said property stands in his name, as is evident from the encumbrance certificate till the year 2014. However, equally the petitioner claims that he purchased the property from one Thangaraj in the year 2002 and has been in occupation and enjoyment and to substantiate the same, certain documents have been filed. From the above, it is amply clear that subsequent to the sale of the property to the defacto complainant, the property has been illegally handled by certain persons for which investigation has been taken up by the law enforcing agency. In the said backdrop, at this point of time, when investigation is underway, it would not be equitable to grant anticipatory bail to the petitioner, as the complaint has been made against the petitioner as well. In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

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,
CENTRAL CRIME BRANCH-II,
ANTI LAND GRABBING SPECIAL CELL-II,
EGMORE, CHENNAI-600 088

2.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.19224/2020

Date :08/04/2021

TK/23.04.2021

<https://hcservices.ecourts.gov.in/hcservices/>