



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirteenth day of December Two Thousand and Twenty One
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) Nos.1406 & 692 of 2021

- | | |
|-----------------|---|
| 1. VELU | |
| 2. MUSTHAFA | ... PETITIONERS/ACCUSED Nos.11 & 12
IN CRL OP(MD)No.1406 of 2021 |
| 1. SETHURAMAN | |
| 2. MURUGESHWARI | |
| 3. JANSIRANI | ... PETITIONERS/ACCUSED Nos.2 TO 4
IN CRL OP(MD)No.692 of 2021 |

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM.
(CRIME No.3 OF 2021).

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners : MR.M.MURUGESAN, Advocate
IN CRL OP(MD)No.1406 of 2021
MR.P.SURESH, Advocate
IN CRL OP(MD)No.692 of 2021
For Respondent : MR.RMS.SETHURAMAN,
Additional Public Prosecutor
IN BOTH THE PETITIONS

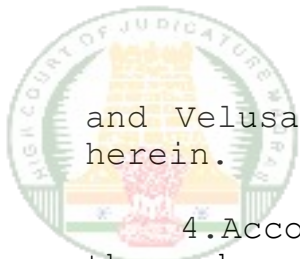
PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.OP(MD)No.692 of 2021 are A2 to A4 and the petitioners in Crl.OP(MD)No.1406 of 2021 are A11 and A12, apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 419, 465, 468, 471, 420 and 120(b) IPC, in Crime No.3 of 2021 on the file of the respondent police and hence, seek anticipatory bail.

2.The allegation against these petitioners is that without having any valid title, they executed a document.

3.For the purpose of knowing the nature of the issue involved in this matter, the entire CD file has been called for and the learned Additional Public Prosecutor is also produced the CD file. It appears that the alleged property originally belonged to one Chinnammal. The above said Chinnammal had two sons namely Balusamy



and Velusamy. Balusamy is the father of the de-facto complainant herein.

4. According to the case of the prosecution, after the death of the above said Chinnammal, both the Balusamy and Velusamy partitioned the property, on 22.03.1990 through a registered partition deed and each share of 70-1/2 cents. Now the de-facto complainant says that by impersonating the above said Chinnammal, A2 has forged the document in respect of the above said 70-1/2 cents, which belonged to his father and got the power of attorney executed in favour of him. Later, it has been dealt by him, by the other accused persons.

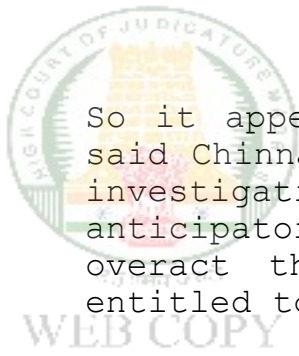
5. The learned counsel appearing for the petitioners would submit that the property, which is claimed by the de-facto complainant is not that of the property, which belonged to the above said Chinnammal. Through the disputed power of attorney deed is dated 28.05.2020, on the basis of the above said power of attorney deed, subsequent document has been entered, as mentioned in the preamble portion.

6. But the reading of the partition deed that has been entered between Balusamy and Velusamy and that of the power of attorney deed shows that both the properties are one and the same.

7. The contention of the part of the petitioners that the disputed property lies in Peravoor Village, Velipattinam Village, whereas the property claimed by the de-facto complainant lies only in Pattianamkathan Village, Velipattinam is not at all correct on record.

8. When the co-accused moved quash petition before this court, which was dealt with by me, an argument has been advanced to that effect the executor of the power of attorney in favour of A1, who is the grand-mother of the accused persons. But here contrary to the fact of the above said contention, the different version has been put forth on the side of the parties. Now whatever it may be, the contention that has been raised by the accused persons is in different voice.

9. Perusal of the CD file shows that A2 Sethuraman has given a statement before the Investigating Officer that after the dispute has been raised by the de-facto complainant, he made a visit in search of the location of the above said Chinnammal, but it came to know that she was no more. But however the investigation undertaken by the police shows that the said Chinnammal is not at all residing in the address, which has been mentioned in the power of attorney. More-over, he has also given a statement to the effect that the above said Chinnammal is not known to him. When the above said Chinnammal is not known to him, how he was able to get the power of attorney in his favour is also a matter for investigation.



So it appears that that crucial act has been played by the above said Chinnammal namely A1 and A2 namely Sethuraman, is a matter for investigation and trial. Even though A2 Sethuraman enjoys interim anticipatory bail, I am of the considered view that considering the overact that has been attributed against A2 Sethuraman is not entitled to the discretionary relief of anticipatory bail.

10. In so far as other accused persons are concerned, considering the limited role that has been played by them, they can be granted anticipatory bail.

11. The petitioners in Crl.OP(MD)No.1406 of 2021 were alleged to be the witnesses in the above said sale deed, it has been effected by the above said A2 in favour of other accused persons and similarly, the petitioners 2 and 3 in Crl.OP(MD)No.692 of 2021 who are the wife and daughter of the above said Sethuraman and so far, no evidence has been collected by the prosecution about their involvement in the above said imprisonment, except, A2/ Sethuraman, who A2 in Crl.OP(MD)No .692 of 2021, the other two persons namely A3 and A4 are entitled to get anticipatory bail.

12. In view of the above facts circumstances, this court is not inclined to grant anticipatory bail to the 1st petitioner in Crl.OP (MD)No.692 of 2021 namely Sethuraman, who is A2 and accordingly, **against the 1st petitioner namely Sethuraman in Crl.OP(MD)No.692 of 2021, the petition is dismissed.** In respect of others namely the **petitioners 2 and 3 in Crl.OP(MD)No.692 of 2021 and the petitioners in Crl.OP(MD)No.14062 of 2021, this court is inclined to grant anticipatory bail with certain conditions.**

13. Accordingly, the petitioners 2 and 3 in Crl.OP(MD)No.692 of 2021 and the petitioners in Crl.OP(MD)No.14062 of 2021, are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for Land Grabbing Cases, Ramanathapuram and on each of them executing 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 learned Judge concerned and the petitioners 2 and 3 in Crl.OP(MD)No.692 of 2021 and the petitioners in Crl.OP(MD)No.14062 of 2021 shall appear before the respondent police once in a week at 10.00 am, until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

14. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

13/12/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SPECIAL COURT FOR LAND GRABBING CASES,
RAMANATHAPURAM.

2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.P.SURESH, Advocate SR.No.9259.

+1. C.C. to MR.M.MURUGESAN, Advocate SR.No.9285.

ORDER
IN
CRL OP (MD) Nos.1406
& 692 of 2021
Date :13/12/2021

er
MK/VR/SAR.III/16.12.2021/4P/6C