



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

Date : 29/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4869 of 2021

D.Thangaraj Pandiyan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
The District Crime Branch,
Land Grabbing, Ramanthapuram.
(Crime No.33 of 2020)

... Respondent/Complainant

For Petitioner : Mr.B.Prahalad Ravi,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.33 of 2020 on the file of the respondent Police.

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 120(B), 420, 447, 465, 468, 471 and 506(i) of IPC, in Crime No.33 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant purchased the land to an extent of Survey No.182/6A2 measuring about 861 sq.ft in Duraisampuram, 4th ward, Sayalkudi Town, Kadaladi Circle on 27.01.2012 from the petitioner/A4. While that being so, A3/Balakrishnan started putting up construction in his property. When he made enquiry, he told him that he purchased the property from the first accused Sabithadevi and A2/Vijayaprasath. He found from the copy of the document that the fourth accused was one of the attesting witnesses in that documents. The accused colluded and conspired to create a sale deed in the name of the third accused with regard to the property, which was already sold to the de-facto complainant. Therefore, this case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is no way involved in the subsequent sale deed either as a attesting witnesses or in any other way. In fact he was the power of attorney of one Annalakshmi, who is the sister of Vijayabaskar. The property belonged to Vijayabaskar and Annalakshmi. In his capacity as power agent of Annalakshmi, he sold the property to the de-facto complainant. He has not executed the sale deed in favour of the third accused. In this regard, a suit in O.S.No.141 of 2007 was filed by the Vijayabaskar against the petitioner, Annalakshmi and others for the relief of declaration that the sale deed, dated 14.08.2007 in document No.735/2007 is null and void and for consequential relief of injunction. That suit relates to the property concerned in this case. There is also another suit filed in O.S.No.12 of 2020 on the file of the learned District Munsif, Kadaladi by the de-facto complainant against the accused in this case and some others for the relief of declaration that the property in dispute belongs to the de-facto complainant and for consequential relief of recovery of possession etc.

4.The learned Additional Public Prosecutor for the respondent opposed this petition on the ground that investigation in this case is already over and final report has also been filed before the concerned Magistrate.

5.It is seen that there is a dispute with regard to the title of the property between the Annalakshmi and Vijayabaskar. Al is the wife of Vijayabaskar in respect of the same property. One sale deed was executed by the petitioner as a power agent of Annalakshmi and other by Sabithadevi as a wife of Vijayabaskar. There are already civil suits pending. The issue with regard to the title can be decided only in the course of trial by producing relevant materials, oral and documentary evidence.

6.In the facts and circumstances of the case, this court is of the considered view that the custodial interrogation of the petitioner is not necessary in this case. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram District, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their
<https://hcservices.courts.gov.in/hcservices/> Left Thumb Impression in the surety bond and the



Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioner shall not abscond either during investigation or trial;

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.
TO

1. THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THE DISTRICT CRIME BRANCH, LAND GRABBING, RAMANTHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.B.PRAHALAD RAVI, Advocate (SR-4957[I] dated 30/07/2021)

ORDER IN

CRL OP(MD) No.4869 of 2021

Date :29/07/2021

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MS/VR/SAR-4/02.08.2021/3P.6C

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