



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

Dated : 20/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD)No.18419 of 2021

C.Manoharan : Petitioner/Sole Accused
Vs

State represented through
The Sub Inspector of Police,
Manachanallur Police Station,
Trichy District.
(Crime No.530 of 2021)

: Respondent/Complainant

S.Padma Sivakumar : Petitioner/ Defacto complainant/
Intervenor
in CRL MP(MD)No.10478 of 2021
in CRL OP(MD)No.18419 of 2021

For Petitioner : Mr.P.R.Prithviraj, Advocate

For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. Side)

For Interevener : Mr.M.S.Suresh Kumar, Advocate

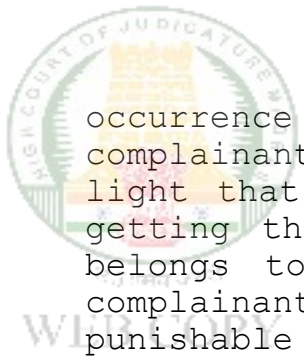
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.530 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 447, 420 and 506(i) IPC r/w section 4 of Tamil Prohibition of Women Harassment Act, in Crime No.530 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:- On 07/11/2021, the de-facto complainant along with some other people, who belonged to the very same village, visited the property, which belongs to the petitioner in survey No.71/6 extending about 80 cents and in Survey No.101/4A extending 1.65 acres situated at Athani, Manachanallur Taluk, Trichy District. The accused persons came to the place of

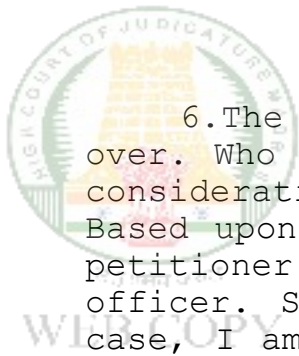


occurrence and criminally intimidated them. So, the de-facto complainant and other villagers returned. On enquiry, it came to light that this petitioner forged the document for the purpose of getting the relief from the Government stating that the property belongs to him. Based upon the complaint given by the de-facto complainant, a case in Crime No.530 of 2021 for the offences punishable under Sections 294(b), 447, 420 and 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 has also been registered.

3.Now the case of the petitioner is that the property mentioned in the complaint originally belonged to the father-in-law of the complainant. After the death of the father-in-law of the complainant, the property devolved upon his son namely Sivakumar and after that, there was an oral sale agreement between the petitioner and the above said Sivakumar and in the year 2007, he paid two lakhs towards part of the sale consideration and the possession was also given to the petitioner. He is in possession and enjoyment. When he approached the above said Sivakumar to execute the sale deed, he did not come forward. The above said Sivakumar instigated the de-facto complainant, who is the wife of the alleged Sivakumar and the petitioner also appeared before the enquiry officer and addressed him of his possession. On that ground, he seeks, anticipatory bail.

4.The intervener, who is the de-facto complainant has filed a typed of the papers, wherein we find the title document is standing in the name of Sivakumar. According to the de-facto complainant, there was an exchange deed between the father-in-law and others, by which, he derived title. He is also Dharmakartha of the Vishaga Ganapathy Temple, which is a private temple. Similarly the property in Survey No.71/6 was also in the name of the Temple Dharmakartha, who is the husband of the complainant. This property was also given to the above said father-in-law of the de-facto complainant by way of exchange deed. So according to the intervener, after the death of the above said R.Chockalingam Pillai, she was in possession of the property. So the sale agreement, which is claimed by the petitioner is not true document and it is a fabricated document. So according to the intervener, there was no sale agreement between the petitioner and the husband of the de-facto complainant.

5.The husband of the de-facto complainant is very well available. In-spite of that, why the de-facto complainant, who is his wife has given the alleged complainant is not clear on record. On perusal of the typed set of papers, no document has been produced by the petitioner to show the above said sale agreement. In the typed set of papers that has been filed by the de-facto complainant namely intervenor, it is seen that this petitioner claimed flood relief in respect of the property in dispute. So according to the intervener, not only the sale agreement, but also the disputed document is also forged one.



6.The entire CD file is perused. The investigation is also over. Who is in possession of the property, cannot be a matter for consideration and discussion in this anticipatory bail petition. Based upon the above said complaint, summon has been issued to the petitioner and according to him, he also appeared before the enquiry officer. So considering the above facts and circumstances of this case, I am of the considered view that the custodial interrogation of this petitioner may not be required in this case. Further, in this case, almost investigation is over and the truth will be found out only through documentary evidence. So, the question of tampering of the records may not arise in this case. It also appears that the disputed document is not either with the petitioner or recovered by the Investigating officer, during the course of investigation.

7.So in view of the above fact and circumstances, I am inclined to **grant anticipatory bail** to the petitioner with certain conditions.

8.Accordingly, petitioner **is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Trichy** and on his 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. The petitioner 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 will stand dismissed.

sd/-
20/12/2021

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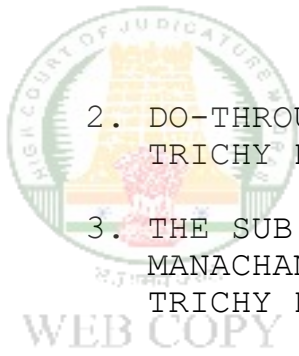
/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 NO.III,
TRICHY.

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



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MANACHANALLUR POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.M.S.SURESH KUMAR, Advocate (SR-9545[I] dated 21/12/2021)

+1 CC to M/s.P.R.PRITHVIRAJ, Advocate (SR-9531[I] dated 21/12/2021)

ORDER
IN
CRL OP(MD) No.18419 of 2021
Date :20/12/2021

ER
MS/VR/SAR-3/10.01.2022/4P.7C