



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.10576 of 2022

AND

CRL.MP.NO.6627 of 2022

1 KANDASANY
2 K.BHARANI KUMAR

[PETITIONERS/ ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPPUR CITY.
(CR.NO.8 OF 2022)

[RESPONDENT/COMPLAINANT]

M.SELVARAJ

[PETITIONER/DEFACTO COMPLAINANT

Ordered as per order of this Court
Dated:19/05/2022 made in CRL.MP.NO.6627/2022]

For Petitioner : M/S.R.BHARATH KUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

For Intervener : MR.R.PRABAKAR, Advocate

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 offences punishable under Sections 120B, 468, 471 and 506(1) of the IPC in Crime No.8 of 2022, seek anticipatory bail.



2. The case of the prosecution is that when the defacto complainant intended to purchase a land in Tiruppur area, they had approached the legal heirs of one late Palanisamy and they agreed to sell the same. Thereafter, the defacto complainant became the absolute owner of the property. Later, when the defacto complainant visits to that place, it was stated that the accused persons are the owner of the property. Further, it is alleged that the petitioners threatened the defacto complainant with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner and two others jointly purchased the properties to an extent of 10.61 acres comprised in Survey No.66/1 situated in Nallur Village and other properties vide Sale Deed in Document No.563 of 1994, dated 20.05.1994. After purchasing of the subject property, the entire Revenue Records have been mutated and they were also issued a Joint patta in Patta No.994. Thereafter, the first petitioner was allotted to an extent of 3.18 acres of land. In turn, the first petitioner executed a Settlement Deed in favour of the second petitioner on 07.01.2011, registered vide Document No.69 of 2011. The remaining extent of the land was also subsequently settled in favour of the second petitioner on 07.07.2021, registered vide Document No.2570 of 2021. From the date of purchase, they are in possession and enjoyment of the said property.

4. Whereas, the learned counsel for the intervener/defacto complainant submitted that the subject property was originally assigned in favour of one Arumugam. Thereafter, a part of the property was sold out in favour of the defacto complainant and in turn they purchased the subject property by the registered Sale Deed dated 29.10.2021, registered vide Document No.4202 of 2021. When the defacto complainant went to the property to take possession of the said property, found that the petitioners are in possession and enjoyment of the same. It is also seen that the second petitioner filed a suit for permanent injunction in respect of the very same property in O.S.No.282 of 2021 before the learned District Munsif Court, Thiruppur.

5. According to the defacto complainant, the first petitioner obtained Non Traceable Certificate in respect of their Sale Deed of the year 1994 and settled the property in favour of the second petitioner. Even assuming that the first petitioner obtained Non Traceable Certificate suppressing the other facts, it is nothing to do with the present allegations made in the FIR. Since the first petitioner purchased the said property in the year 1994 itself and he obtained missing certificate in respect of his own Sale Deed. Therefore, there is no allegations that the first petitioner fabricated the document and settled the property in favour of the second petitioner.



6. In view of the above facts and circumstances, the custodial interrogation of the petitioners is not required for this case. This Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Tiruppur, on condition that each of the petitioners 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 229A IPC.

-sd/-

19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
NO. IV, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE DISTRICT MUNSIF JUDGE
THIRUPPUR.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPPUR CITY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.BHARATH KUMAR Advocate on payment of necessary
charges SR.No.7669

CRL OP.10576/2022

AND

CRL.MP.6627/2022

Date :19/05/2022

CSK 25/05/2022