



Crl.O.P.Nos.24663, 23480 & 23481 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.Nos.24663, 23480 & 23481 of 2022

L.Narayanamoorthy	... Petitioner in Crl.O.P.No.24663 of 2022
Divya P.Lakshmi	... Petitioner in Crl.O.P.No.23480 of 2022
N.Palaniswamy	... Petitioner in Crl.O.P.No.23481 of 2022

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch,
XV Police Station,
Chennai.

Crime No.525 of 2015 ... Respondent in all Crl.O.P.Nos.

PRAYER in Crl.O.P.No.24663 of 2022 : Criminal Original Petition filed under Section 437 r/w 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with Crime No.525 of 2015, on the file of the Respondent Police.



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PRAYER in Crl.O.P.Nos.23480 & 23481 of 2022 : Criminal Original Petitions filed under Section 438 of Cr.P.C., pleaded to enlarge the petitioner on bail in the event of arrest of the petitioners in connection with Crime No.525 of 2015, on the file of the Respondent Police.

In Crl.O.P.No.24663 of 2022,

For Petitioner : Mr.P.V.Bala Subramaniam
for M/s.Akhil R.Bhansali
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

In Crl.O.P.Nos.23480 & 23481 of 2022,

For Petitioners : Mr.A.R.L.Sundaresan, Senior counsel
for M/s.Akhil R.Bhansali
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioner in Crl.O.P.No.24663 of 2022, who was arrested and remanded to judicial custody on 23.09.2022, for the offences punishable under Sections 465, 467, 468, 471, 420 r/w 120(b) of IPC, in Crime No. 525 of 2015, on the file of the respondent police, seeks bail.



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The petitioners in Crl.O.P.Nos.23480 & 23481 of 2022, who apprehend arrest at the hands of the respondent police, for the offences punishable under Sections 465, 467, 468, 471, 420 r/w 120(b) of IPC, in Crime No. 525 of 2015, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant/Ragini Rajkumar is that herself and her sister are the legal heirs of one Rangachari, who is the grand father of the de-facto complainant. The said Rangachari owned a land bearing New Survey No.68/1, 3, 4 & 69/1 (Old Survey Nos.117, 119, 120 121, 122, 124, 125, 126, 128 Inam 136 A, 136 D, 136 E, 138, 139) and comprised in T.S.No.13, Block No.30, Thiruvanmiyur Village measuring to an extent of 80 grounds and he had executed a will appointing one A.B.Sahaaranam and one K.A.Ramachari, who is the father of the de-facto complainant, as executors of the will. Subsequently, the will was probated in this Court in O.P.No.310 of 1954 and



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on the strength of the Letter of Administration, the executors conveyed the property in favour of the de-facto complainant and her sister. Thereafter, in the year 1959, there was an exchange deed in respect of 6 grounds with the elder sister of the de-facto complainant one Girija and subsequently, A register records, chitta and patta and adangal were changed in the name of the de-facto complainant and her sister. While so, during the year 2006, one Durairaj Naicker conspired with the other accused and by manipulation and fabrication of documents by four cooked up sham fabricated deeds, sold the property to one M/s.Pee and Dee Land Holdings Private Limited represented by one Palanisamy and thereafter, the accused have grabbed the property worth about 250 crores. Hence the case.

3. Mr.P.V.Bala Subramaniam, learned counsel appearing for the petitioner in Crl.O.P.No.24663 of 2022 would submit that the petitioner has been working as an Accounts Manager in M/s.Eastco Exim Private Limited, a sister concern of M/s.Pee and Dee Land Holdings Private Limited, from 24.10.2013 only and he has no connection whatsoever with the alleged offences. He would further submit that even as per the complaint, the



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offence is stated to have taken place during the year of 2006 and the petitioner does not have any connection with the alleged fabrication of documents and the petitioner has nothing to do with the alleged sale deeds executed during the year 2011. He would also submit that the petitioner is an innocent person and he is unnecessarily kept in custody from 23.09.2022. He would also submit that the entire prosecution case is borne out of documents and records and the further custody of the petitioner may not be required. He would also state that even as per the prosecution, the case rests on registered documents and there is no possibility of the petitioner tampering with the records and thereby, he prays for grant of bail to the petitioner.

4. Mr.A.R.L.Sundaresan, learned Senior counsel appearing for the petitioners in Crl.O.P.No.23481 & 23480 of 2022 would submit that the petitioners are father and daughter respectively and the father is the Chairman cum Managing Director and the daughter is one of the Directors of the M/s.Pee and Dee Land Holdings Private Limited, which is engaged in the business of real estate. He would further submit that the land in dispute originally belonged to one Dr.M.T.Kuppusamy Naicker, who had purchased



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the same vide Court Auction, pursuant to the decree in a mortgage suit in O.S.No.290/1883 dated 26.08.1891 on the file of the learned District Munsif Court, Poonamalle and after his demise, the property devolved on his legal heirs, wife Manonmani Ammal and two sons M.K.Kannappa Naicker @ Kannan and M.K.Ramdoss Naicker @ Devaraj. He would further submit that after the demise of the legal heirs of M.T.Kuppusamy Naicker, the property devolved on their legal heirs who were 64 in number and during the year 2011, the company through the Chairman cum Managing Director, purchased the property from 64 legal heirs of M.K.Kannappa Naicker and M.K.Ramdoss Naicker by a registered sale deed dated 07.10.2011 vide Document No.10756 of 2011, after paying valuable sale consideration of Rs.32 Crores which is supported by demand drafts and valid receipts. He would also submit from the date of purchase during the year 2011, the company is in possession of the property and the revenue records/patta was mutated in favour of the petitioners' company pursuant to the order passed by the Tahsildar, Velachery in CA.58 of 2012 dated 13.01.2012. He would further submit that the rival claimants/ the de-facto complainant party had filed an appeal to the DRO challenging the grant of patta in favour of the



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petitioners' company and the DRO by an order dated 07.01.2013 in K.Dis.No.J2/22026/12, had cancelled the patta in favour of the petitioner.

5. The learned senior counsel would further submit that against the order passed by the DRO, the petitioners' company preferred W.P.No.2680 of 2013 before this Hon'ble Court and this Court by an order dated 28.09.2016, had set aside the order passed by the DRO cancelling the patta and confirmed the patta granted in favour of the petitioner. He would further submit that this Court has also observed and directed the rival claimants to approach the civil Court. He would also submit that so far no writ appeal has been filed against the above order till date and no civil suit has also been filed against the petitioners. While so, based on the complaint registered in the year 2015, the respondent without issuing any notice under Section 41 A of Cr.P.C, has arrested the Accounts Manager of the sister concern of the petitioners' company, who is the petitioner in CrI.O.P.No.24663 of 2022 and he is in custody from 23.09.2022. He would also submit that there exist a rival civil claim between the parties and if the petitioners are arrested, it will cause great prejudice to them. He would again submit that the petitioners in



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Crl.O.P.Nos.23481 & 23480 of 2022, are the father and daughter and they are the Chairman cum Managing Director and one of the Directors of the M/s.Pee and Dee Land Holdings Private Limited respectively, are the innocent purchasers and they have paid huge consideration of Rs.32crores. He would also submit that the daughter, other than being a nominal Director in the company has no role in the transaction and she has been unnecessarily roped in this case. He would also submit that the petitioners have strong roots in the society and they are prepared to furnish adequate security for their release on bail and ready to co-operate with the investigation and therefore, he seeks for grant of anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are the employee, Director and Chairman cum Managing Director of the M/s.Pee and Dee Land Holdings Private Limited respectively. He would further submit that the accused on conspiring with the other accused by manipulation of records and fabrication of documents have grabbed the valuable property belonging to the de-facto complainant. He would also submit that the case is of the year 2015 and the



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investigation is pending and he vehemently opposed to grant bail to the petitioners.

7. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

8. Admittedly, the case relating to alleged grabbing of the land has been registered in the year 2015. The de-facto complainant claims ownership of the property based on the will executed by their grandfather. Whereas, it is the claim of the petitioners/accused in Crl.O.P.Nos.23480 & 23481 that they have purchased the property for their company from 64 legal heirs of one Dr.M.T.Kuppusamy Naicker, who had purchased the property vide Court auction dated 26.08.1891 held in O.S.No.290/1883 dated 26.08.1891 on the file of the learned District Munsif Court, Poonamalle. It is also the case of the petitioners that the company was in continued possession after purchase in 2011 and they were granted patta by the Tahsildhar which came to be cancelled by the DRO vide order in K.Dis.No.J2/22026/12, dated



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07.01.2013. It is the further case of the petitioners that they have challenged the order of DRO in W.P.No.2680 of 2013 and it was allowed on 28.09.2016 and the order of DRO was set aside and the patta in favour of the petitioners' company had been confirmed. It is also stated against the order passed in W.P.No.2680 of 2013 neither any writ appeal nor any civil suit has been filed by the de-facto complainant.

9. It is useful to refer the observations made by this Court in W.P.No.2680 of 2013 dated 28.09.2016, which is extracted hereunder:-

"43. In the considered opinion of this Court, the matter in issue mainly pertains to the title and in the considered opinion of this Court, it requires necessary pleadings, oral and documentary evidence and the first respondent is not having enough expertise and jurisdiction to adjudicate the question of title.

44. Since the genuineness of the documents produced by the parties were also put in issue, it may require expert opinion also. The above cited decisions laid down the proposition that in the event of any dispute relating to the title of the property, the party



who feels aggrieved over the entry regarding patta, is to file a civil suit before the competent civil forum and based on the said decree only, the jurisdictional revenue authority can act accordingly. Thus, the law is well settled.

45. This Court, in the light of the facts and circumstances of the case and the ratio laid down in the above cited decisions, is of the opinion that the first respondent ought to have directed the private respondents to approach the competent civil forum to work out their remedy, especially, with regard to their right, title and possession and instead, had adjudicated the disputed questions of fact, especially, with regard to the title and the same is impermissible in law.

46. In the result, this writ petition is allowed and the impugned order of the first respondent passed in K.Dis.No.J2/22026/12, dated 07.01.2013, is set aside and the patta granted in favour of the petitioner vide proceedings of the second respondent dated 13.01.2012, stands restored. However, the private respondents are at liberty to approach the competent civil forum to work out their remedy in accordance with law. It is also made clear that the



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findings/observations made herein are only for the purpose of disposal of this writ petition and this Court has not touched upon the merits of the claim projected by the respective parties and it is for the competent civil forum to adjudicate the same based on the pleadings and quality of evidence tendered before it. No costs. Consequently, the connected miscellaneous petition is closed. "

10. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and finding that the case is of the year 2015 and the petitioners in Crl.O.P.Nos.23480 and 23481 of 2022 are purchasers of the property and that the issue in the case revolves around registered documents, this Court is of the opinion that custodial interrogation of the petitioners may not be necessary. Further the petitioner in Crl.O.P.No.24663 of 2022 is only an employee who has joined the sister concern during the year of 2013 much after the sale and further no specific averments have been attributed to the petitioners in Crl.O.P.Nos.23480 & 23481 of 2022, with regard to fabrication of documents.



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11. In view of the above, this Court is inclined to grant bail to the petitioner in Crl.O.P.No.24663 of 2022 and also inclined to grant anticipatory bail to the petitioners in Crl.O.P.No.23480 and 23481 of 2022, with certain conditions.

12. Accordingly, the petitioner in Crl.O.P.No.24663 of 2022 is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, CCB, Chennai** and on further conditions stated below as [a] to [f].

13. As far as the petitioners in Crl.O.P.No.23480 & 23481 of 2022 are concerned, they 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, CCB, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** each 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 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, every Saturday at 10.30 a.m., until further orders;

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by



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the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

12.10.2022

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To

1. The Judicial Magistrate, CCB,
Chennai.
2. The Inspector of Police,
Central Crime Branch,
XV Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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