



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

Dated: 03/02/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGO VAN**

Crl.OP(MD)No.1834 of 2022

1.Chinnadurai
2.Thiraviyaraj

...Petitioners/Accused Nos. 3 & 4

Vs.

The State rep. By its
The Inspector of Police,
DCB (Anti-Land Grabbing Prevention
Special Cell),
Thoothukudi District,
Thoothukudi.
(Crime No.21 of 2020)

...Respondent/Complainant

For Petitioner : Mr.N.Dilip Kumar, Advocate

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

PETITION FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime No.21 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A3 and A4 were arrested and remanded to judicial custody on 08/01/2022 for the offences punishable under sections 120(B), 464, 467, 468, 471 and 420 IPC, in Crime No.21 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that A1 taking advantage of the joint patta in her name, has sold the land belonged to the de-facto complainant to A2 and he in turn, had executed a settlement deed in favour of A3 and A4.

3.Heard both sides.

4.During the course of argument, the learned counsel appearing for the petitioners has submitted that the petitioners are also



ready to cancel the settlement deed, which is standing in favour of the first petitioner. According to him, the first petitioner was not having any bad intention and criminal intention to cheat the complainant.

5.It is also submitted that the petitioners are also ready to work out their remedy through the proper civil process. An attempt that was made by the petitioners before the Sub Registrar to cancel the settlement deed did not succeed, because of the order that has been passed by the District Registrar, Palayamkottai, by order, dated 19/08/2021. The learned counsel further submitted that already an order has been passed by the District Registrar, rejecting the document and if any attempt that may be made by the petitioner in future may fail. In view of the above development, let the petitioner file an affidavit of undertaking that he will not make any claim in the disputed property before the concerned court at the time of producing sureties.

6.Now the allegation made by the de-facto complainant is that the first accused taking advantage of the joint patta in her name, sold the entire land, which also belonged to the de-facto complainant to A2. A2 is the father of the first petitioner/A3 and later, A2 executed a settlement deed in favour of the first petitioner.

7.So in the light of the allegations made against the petitioners and in the light of the undertaking given by the counsel appearing for the petitioners and considering the duration of the custody of the petitioners, this court is inclined **to grant bail** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail on their 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 Judicial Magistrate, Special Court Land Grabbing Cases (FAC), Thoothukudi and on further condition that the petitioners shall report before the respondent police once in 15 days at 10.00 a.m. until further orders.

sd/-

03/02/2022

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/ /2022

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

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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



TO

1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT LAND GRABBING CASES (FAC)
THOOTHUKUDI .

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI .

3 THE INSPECTOR OF POLICE
DCB (ANTI LAND GRABBING PREVENTION
SPECIAL CELL), THOOTHUKUDI DISTRICT,
THOOTHUKUDI .

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI .

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

+1cc to Mr.N.DILIPKUMAR, Advocate, Sr.No810.

ORDER
IN
CRL OP (MD) No.1834 of 2022
Date :03/02/2022

PKP/PN/SAR-4/04.02.2022/3P/7C