



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

Date : 14/02/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . Nos.4644 and 18012 of 2021

CRL OP(MD) .No.4644 of 2021:-

1. R.Saravanan
2. M.Kumaravel
3. Ramesh Krishnan ... Petitioners/Accused No.2 to 4

Vs

1. The State Rep. By,
The Inspector of Police,
District Crime Branch Police Station,
Tirunelveli,
Tirunelveli District.
Crime No.27 of 2019. ... 1st Respondent/Complainant
2. Karthick Rajapandian ... 2nd Respondent/Defacto Complainant
3. Surjeet Kumar ... 3rd Respondent

(R3 Impleaded as per order of this
Court dated 15.04.2021 in
Crl.M.P. (MD)No.2982 of 2021 in
Crl.O.P. (MD)No.4644 of 2021 by GRSJ.

For Petitioners : Mr.R.Maheswaran,
Advocate.

For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl.Side) for R1
Mr.V.Kathirvelu, Senior Counsel,
For Mr.M.Prabhu for R2

CRL OP(MD) . No.18012 of 2021:-

Krishnapillai ... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch, Tirunelveli,
Tirunelveli District.
Cr.No. 27 of 2019. ... Respondent/Complainant



For Petitioner : Mr.S.Ashokkumar, Senior Counsel,
For Mr.S.Palani Velayutham
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.27 of 2019 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

Heard the learned Senior Counsel for the petitioners, the learned Government Advocate (Crl. Side) for the State and the learned Senior Counsel for the defacto complainant.

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 423, 465, 467, 468, 471, 420 and 109 of I.P.C., in Crime No.27 of 2019 on the file of the respondent police, seek anticipatory bail.

3.The defacto complainant lodged information with District Crime Branch, Tirunelveli on 23.08.2019 alleging commission of offence under Sections 423, 465, 467, 468, 471, 420 and 109 of I.P.C., by the accused. The case of the prosecution is that they had transferred a sum of Rs.23 crores to the account of M/s.Cape Infrastructure Private Limited for purchase of land for developing the wind mill project of the defacto complainant. The concerned owners executed power of attorney documents in favour of the defacto complainant company. The allegation of the complainant is that the first accused fabricated the documents as if the defacto complainant had given letters of authority to the second accused. Based on the said letters, the second accused had dealt with some lands in favour of the third and fourth accused.

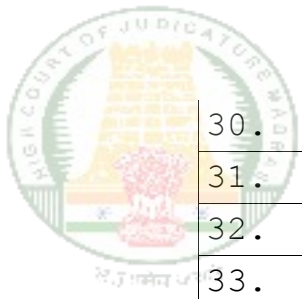
4.When the matters were taken up for hearing, I made it clear that unless the offending transactions are nullified, I would not be inclined to entertain the matter on merits. The third and fourth accused have since executed documents nullifying the transactions referred to in the FIR. But this did not fully satisfy the defacto complainant. The defacto complainant submitted that the original documents are still with the first accused and he was expressing his apprehension that the first accused may deal with the properties. A list of 40 documents was also furnished to the Court. I therefore wanted to know from the learned Senior Counsel appearing for the first accused, as to whether the first accused would give an undertaking before this Court that he would not deal with the properties covered by the aforesaid 40 documents. The learned



5.Today ie., 14.02.2022, when the matters were taken up for hearing, the learned counsel on record filed an undertaking affidavit signed by the first accused/Krishnapillai. The said undertaking affidavit is as under:-

"3. I submit that these are the properties in which I am not entitled to deal with in any way as from my undertaking.

Sl.No.	Date	Sub Registrar	GPA Doc. No.
1.	04.09.2018	Surandai	3883/2018
2.	30.08.2018	Surandai	3804/2018
3.	28.09.2018	Surandai	4307/2018
4.	08.10.2018	Surandai	4465/2018
5.	16.08.2018	Surandai	3580/2018
6.	04.09.2018	Surandai	3871/2018
7.	16.08.2018	Surandai	3582/2018
8.	16.08.2018	Surandai	3582/2018
9.	04.09.2018	Surandai	5446/2018
10.	16.08.2018	Surandai	3582/2018
11.	16.09.2018	Surandai	3582/2018
12.	31.08.2018	Surandai	3806/2018
13.	16.08.2018	Surandai	3582/2018
14.	03.10.2018	Surandai	4351/2018
15.	09.10.2018	Surandai	4501/2018
16.	19.09.2018	Surandai	4152/2018
17.	14.09.2018	Surandai	4084/2018
18.	28.09.2018	Surandai	4308/2018
19.	04.10.2018	Surandai	4396/2018
20.	05.09.2018	Surandai	3915/2018
21.	15.10.2018	Surandai	4607/2018
22.	12.09.2018	Surandai	4044/2018
23.	24.10.2018	Surandai	4480/2018
24.	09.10.2018	Surandai	4480/2018
25.	28.09.2018	Surandai	4309/2018
26.	28.09.2018	Surandai	4306/2018
27.	15.11.2018	Surandai	5110/2018
28.	13.11.2018	Surandai	5206/2018
29.	24.10.2018	Surandai	4704/2018



30.	11.10.2018	Surandai	4628/2018
31.	04.10.2018	Surandai	4382/2018
32.	10.10.2018	Surandai	4517/2018
33.	05.10.2018	Surandai	4428/2018
34.	03.10.2018	Surandai	4373/2018
35.	11.10.2018	Surandai	4534/2018
36.	30.10.2018	Surandai	4824/2018
37.	19.02.2019	Surandai	316/2019
38.	19.02.2019	Surandai	315/2019
39.	14.02.2019	Surandai	182/2019
40.	04.01.2019	Surandai	35/2019

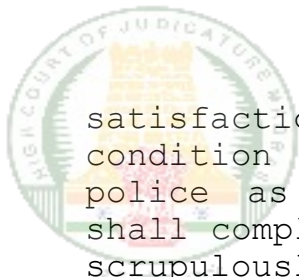
Hence the de-facto complainant sought an order of direction directing the concerned Sub Registrar not to permit the petitioner in any form in the said properties.

4. I submit that as I have no right or title in dealing with the property in future contrary to the interest of the de-facto complainant. To that effect I am fling the present affidavit before this Hon'ble Court for submitting my no objection in giving such direction to the Sub Registrar in favour of the de-facto complainant. I have no objection whatsoever in this regard and I am also giving the present undertaking for the same.

5. I submit that so far as the owners of the following properties are concerned they got executed power of attorney to and in favour of the de-facto complainant i.e. Evergreen Renewables private Limited. When any dispute arose between the owner of the property and the power of attorney in the later point of time. I am no way concerned or not responsible."

5. Since such an undertaking affidavit has been given, in my view, the petitioners have made out a case for grant of anticipatory bail. The Sub Registrar, Surandai is also restrained from dealing with the properties covered by the aforesaid 40 documents at the instance of the petitioners herein.

6. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for Anti Land Grabbing Special Cell (ALGSC), Tirunelveli District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the



satisfaction of the learned Special Court concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of eight weeks from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
14/02/2022

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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 Special Court for Anti Land Grabbing Special Cell (ALGSC),
Tirunelveli District .
2. Do-Through : The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
District Crime Branch Police Station,
Tirunelveli, Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO :

The Sub Registrar, Surandai.

- +1. CC to MR.S.PALANI VELAYUTHAM, Advocate SR.No.1109
- +1. CC to MR.K.JEYAMOHAN, Advocate SR.No.1092.

ORDER IN
CRL OP(MD). Nos.4644 and 18012 of 2021
Date :14/02/2022