



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

Date : 18/05/2022

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . Nos.9406 and 9506 of 2022

Crl.O.P. (MD)No.9406 of 2022:

1. Murugesan
2. Thiyagarajan ... Petitioners/Accused No.2 & 3

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
Trichy District.
in Crime No.6 of 2022 ... Respondent / Complainant

For Petitioners : Mr.K.M.Karunakaran
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

Crl.O.P. (MD)No.9506 of 2022:

S.Sellamuthu ... Petitioner/Accused No.4

Vs.

The State rep.by,
The Inspector of Police,
District Crime Branch,
Trichy District.
in Crime No.6 of 2022 ... Respondent / Complainant

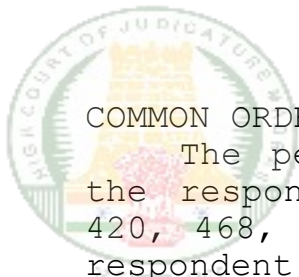
For Petitioner : Mr.K.M.Karunakaran
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

COMMON PRAYER :-For Anticipatory Bail in Crime No.6 of 2022 on the
file of the respondent Police.

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



COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A4 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471 & 34 IPC, in Crime No.6 of 2022, on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that the lands in S.No.187/4 of Kattur Village, to an extent of 1725 sq. ft. belongs to the defacto complainant and the extent of 3924 sq.ft belongs to his mother Bothaiammal. The mother of the defacto complainant executed a Power of Attorney Deed on 05.10.2010 in favour of A1. Likewise, the defacto complainant executed a Power of Attorney Deed on 16.11.2010 in favour of A1. While so, on 09.04.2021, some strangers claimed that they have purchased the lands belong to them. When the defacto complainant applied for encumbrance certificate, he came to know that A1 created a bogus life certificate of the defacto complainant and his mother and executed a sale deed in favour of A2 for a sum of Rs.4,92,000/-, in which, A3 and A4 signed as witnesses. Likewise, A1 executed another sale deed on 19.03.2020 in favour of A3 for a sum of Rs.11,19,000/- in which, A2 and A4 signed as a witness. All the accused persons joined together with an intention to grab property of the defacto complainant and his mother and created the alleged deeds. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that A2 and A3 are *bona fide* purchasers of the properties for a valid sale consideration. He further submits that A4 signed as a witness in the sale deeds executed in favour of A2 and A3 and he has nothing to do with the alleged occurrence. However, they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that in order to grab the property of the defacto complainant, A1 created bogus life certificate of the defacto complainant and his mother and transferred the properties to A2 and A3. A4 has signed as a witness in the documents executed by him. He further submits that all the documents and life certificate were destroyed by the accused persons.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners/A2 to A4 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 of receipt of a copy of this order, before the Special Court for Exclusive Trial of Land Grabbing Cases (Special Judicial Magistrate (FAC)), Trichy on condition that the petitioners/A2 to A4 shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two



sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners in Crl.O.P.(MD)No.9406 of 2022/A2 and A3 shall report before the respondent police on every Wednesday and Friday at 10.30 a.m. for a period of three months and as and when required for interrogation.

[c] the petitioner in Crl.O.P.(MD)No.9506 of 2022/A4 shall report before the respondent police on every Monday and Friday at 10.30 a.m. for a period of three months and as and when required for interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

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

7. Considering the issue involved in this case, the District Registrar, Trichy, shall conduct an enquiry with regard to the lands in Survey No.187/4 to the extent of 1725 sq. ft. and 3924 square feet respectively and submit a report before this Court on 22.06.2022. The defacto complainant and the petitioners herein are directed to appear before the concerned District Registrar and co-operate for the enquiry.

8. Post the matter on 22.06.2022 for filing the report.

sd/-

18/05/2022

/ TRUE COPY /

/ /2022

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

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF LAND
GRABBING CASES (SPECIAL JUDICIAL MAGISTRATE
(FAC)), TRICHY



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TRICHY DISTRICT.

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

COPY TO:

1 THE DISTRICT REGISTRAR,
TRICHY.

2 THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.9406 & 9506 of
2022

Date :18/05/2022

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MK/VR/SAR.IV/23.05.2022/4P/7C