



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/07/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.11072 of 2022

1. Vembiah
2. Selvanayagi
3. Sudalaivadivu
4. Petchiammal
5. Pasungili
6. Sounder

... Petitioners/Accused Nos.1 to 6

Vs

The State rep.by,
The Inspector of Police,
City Crime Branch,
Tirunelveli City
(Crime No. 9 of 2022).

... Respondent/Complainant

Mabubbadusha

... Intervening Petitioner /
Proposed 2nd Respondent / Defacto Complainant
in CRL MP(MD)No.7236 of 2022

For Petitioners : Mr.R.Anand, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervener : Mr.R.J.Karthick, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.9 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 465, 467, 468, 471 and 120(B) I.P.C, in Crime No.9 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution in brief is that the defacto complainant has purchased the property on various dates, situated in S.No.64/1B1, Melapalayam Village, Tirunelveli District, which were plotted out by the original owner. Totally there were 84 house plots. The property was named as "Anthony Nagar Beedi Labourer Colony".



From the local administration, approval was also obtained. To grab the property, the accused No.3 and 4 fabricated false documents, as if, they are the owners and they have executed power deed in favour of the first accused. With the strength of above said power deed, the first accused sold the property to his wife, who is the second accused herein. The accused No.5 and 6 were the attesting witnesses for the above said document. The Sub Registrar also colluded with the other accused persons in creating the false documents.

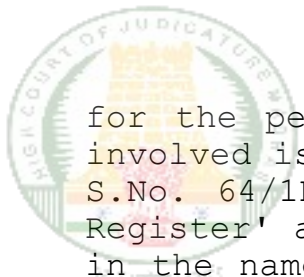
3. The defacto complainant has lodged a complaint under Section 156(3) Cr.P.C before the Magistrate Court. On the basis of the direction issued by the learned Magistrate, a case has been registered. Seeking anticipatory bail, the petitioners have preferred this petition.

4. According to the learned counsel appearing for the petitioners, the property was originally belonged to one Veeraputhira Thevar and Madasamy. The accused No.3 and 4 are the legal heirs of said Veeraputhira Thevar and Madasamy. A rival claim was made by one Ananjiammal, stating that she is also having right in the property. She also started selling the properties to various persons. But the property in S.No.64/1B1, which is the property under dispute, is not covered in the document relied on by Ananjiammal. The defacto complainant relying upon those documents, as if they have purchased the properties. Originally, the complaint lodged by the first petitioner was enquired in CSR No.117 of 2022 and that was closed. One of the complainants by name, M.K.Beer Mohamed has filed a suit in O.S.No.315 of 2021, before the learned Sub-Judge, Tirunelveli against the second petitioner.

5. The learned counsel appearing for the intervener submitted that the investigation is in the preliminary stage. So if the anticipatory bail is granted, then the petitioners may hamper the investigation process.

6. From the arguments that was advanced by either side and on a perusal of records, it is seen that there is a title dispute involved in this matter. The accused No.3 & 4 claimed that the property belongs to them, through their ancestors Veeraputhira Thevar and Madasamy, whereas, the defacto complainant party claims that the property belongs to one Ananjiammal, as if they have purchased it from the original owner. But, however, the accused persons have created documents, as if, they are the owners.

7. The learned counsel for the petitioners relied upon the document No.1556/1952, dated 21.05.1952 stating that the disputed property is not involved in the title document of the vendor of the defacto complainant. The document is produced by the petitioners in the typed set of papers. In the above said document, three survey numbers, 64/1A, 86/4, 57/1 were covered. The learned counsel



for the petitioners submitted that in the sale deed, the property involved is only the S.No.64/1A, but not the disputed property, ie., S.No. 64/1B1. The defacto complainant/intervener has produced 'A-Register' and Chitta to show that properties in S.No.64/1B1A stands in the name of Parvathi Ammal. S.No.64/1B1B stands in the name of one Mohamed Sons. Chitta is also stands in the name of above said Parvathi Ammal and others. How the property mentioned in the sale deed as S.No.64/1B1 has been sub divided, is a matter for consideration during the investigation. So I am of the considered view that only investigation reveals the true facts. Since the accused relied upon the documentary evidence, custodial interrogation of the petitioners may not require. Hence, the petitioners are entitled for the relief of anticipatory bail.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judge, Special Court for Anti-Land Grabbing Cases, Tirunelveli, on condition that the petitioners shall execute 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 Judge concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Judge within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

14/07/2022

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/07/2022

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

TO

1 THE JUDGE,
SPECIAL COURT FOR ANTI-LAND GRABBING CASES, TIRUNELVELI

2 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY

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

+1. CC to MR.R.ANAND Advocate SR.No.7184.

ORDER IN

CRL OP(MD) No.11072 of 2022

Date :14/07/2022

PNM

<https://www.mhcn.org.in/II/20.07.2022/3P/5C>