



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 17/02/2022
PRONOUNCED ON: 23/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.12526 and 12991 of 2021

1 C.SUGANYA
2 VISAGAN
3 P.CHINNASAMY

... PETITIONERS/ACCUSED Nos. 1,2 & 3
IN CRL OP(MD)No.12526 of 2021

JUSTIN MANIKANDAN

.... PETITIONER/ ACCUSED No.6
IN CRL OP(MD)No.12991 of 2021

Vs

STATE REP BY.
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.19 OF 2021

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

LAVANYA

... PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD).7057/2021 IN
CRL OP(MD).12526/2021

For Petitioners
(in Crl.O.P.(MD)No.12526 of 2021)
: MR.N.AANANTHA PADMANABHAN, Advocate

For Petitioner
(in Crl.O.P.(MD)No.12991 of 2021)
: Mr.G.PRABHU RAJADURAI, Advocate
for MR.B.GANESH PRABU, Advocate

For Respondent
(in both petitions)
: Mr.M.MUTHUMANIKKAM
Government Advocate (Crl. side)

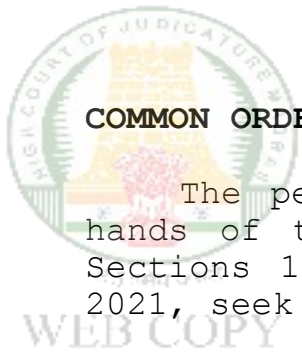
For Intervenor
(in Crl.O.P.(MD)No.12526 of 2021)
: Mr.B.MUNEESWARAN, Advocate

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.19 of 2021 on the file of the
Respondent Police.

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



COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3 and A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 465, 468 and 471 of IPC, in Crime No.19 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the ancestral properties in Patta Nos.203 and 2184 in Neerothan and Cholavanthan Villages at Vadipatti Taluk, were owned by one Sarathy, the father of the de-facto complainant, that when her mother-Jothi was alive, the de-facto complainant executed a release deed dated 09.07.2002 in favour of her mother and brother, that subsequently her mother, Jothe had died on 06.11.2013, that after the death of her mother, the de-facto complainant cancelled the release deed, dated 09.07.2002 vide document No.3 of 2020, dated 14.02.2020, that subsequent to the cancellation, at the instance of the de-facto complainant, the patta mutated in the name of the first accused was cancelled and a fresh patta was issued in the joint names of the first accused and the de-facto complainant, that meanwhile, the first accused executed a gift settlement deed dated 27.07.2021 in favour of his wife/the second accused and that though the de-facto complainant has informed all the aspects to the Sub-Registrar, Periyakulam, the third accused registered the document helping the accused 1 and 2. Hence, the complaint.

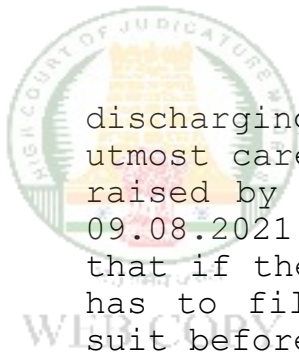
3.Admittedly, the de-facto complainant is the own sister of the first accused and the second accused is the wife of the first accused.

4.The learned counsel for the petitioners in Crl.O.P.(MD) No.12526 of 2021 would submit that the de-facto complainant had admittedly executed a registered release deed relinquishing all her rights in respect of the ancestral properties in favour of her mother and brother, that though the release deed is irrevocable, the de-facto complainant without any valid reason or ground and after the lapse of 18 years, cancelled the release deed in 2020 and that the de-facto complainant has no right or power to cancel the release deed. The learned counsel for the petitioners would further submit that the first accused, at the enquiry before the Revenue Divisional Officer, had expressed his inability to attend the hearing on 26.07.2018 and send a letter requesting to postpone the enquiry, that the authority without considering the same and without affording any reasonable opportunity had passed the order cancelling the patta, that the order passed by the Revenue Divisional Officer cancelling the patta is invalid and that the accused 1 and 2 are taking steps to file a civil suit for declaration and for consequential reliefs.

5.The learned counsel for the petitioner in Crl.O.P.(MD) No.12991 of 2021 would submit that the petitioner/6th accused is

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

Sub-Registrar, Periyakulam, that he has been



discharging the official duties with a *bonafide* intention with utmost care, that the sixth accused after considering the objections raised by the de-facto complainant has issued a proceedings, dated 09.08.2021 permitting the first accused to register the deed and that if the de-facto complainant is aggrieved by the said order, she has to file an appeal before the competent authorities or file a suit before the civil Court.

6.The learned counsel for the petitioners would further submit that the petitioners are innocents and they have not committed any offences as alleged and that they are falsely implicated in the above cases.

7.The learned counsel appearing for the intervenor has relied on the order passed by the Revenue Divisional Officer, Madurai in Na.Ka.No.3228/2021-B, dated 26.07.2021, whereunder, the Revenue Divisional Officer has cancelled the patta transfer order issued by the Deputy Tahsildar and further ordered to issue joint patta including the names of the first accused and the de-facto complainant.

8.The learned Government Advocate (Crl. side) would submit that the investigation is not yet completed.

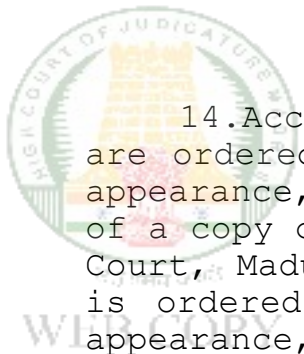
9.As rightly pointed out by the learned counsel for the accused 1 to 3, the Revenue Divisional Officer has mainly relied on the cancellation of the release deed made on 14.02.2020.

10.As rightly contended by the learned counsel for the accused 1 to 3, whether the de-facto complainant has any right or power to cancel the release deed executed on 09.07.2002 and whether the cancellation deed, dated 14.02.2020 is valid and legal are the aspects that cannot be gone into by the revenue authorities and it is only for the competent civil Court to decide the said issue.

11.As rightly pointed out by the learned counsel for the petitioners, the patta standing in the name of the first accused was ordered to be cancelled and the joint patta was ordered to be issued in the names of the first accused and the de-facto complainant.

12.Moreover, the sixth accused is only the Sub-Registrar of Periyakulam and according to him, after considering the objections of the de-facto complainant, he has passed in order to register the document and if the de-facto complainant is really aggrieved by that order, she is at liberty to approach the higher authorities challenging the same.

13.Considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory



14. Accordingly, the petitioners in Crl.O.P.(MD)No.12526 of 2021 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I Court, Madurai; and the petitioner in Crl.O.P.(MD)No.12991 of 2021 is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Madurai, on condition that the petitioners 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 learned Magistrate may obtain a copy of their Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with the 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 the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/02/2022

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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 JUDICIAL MAGISTRATE NO.I
MADURAI.

2 THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES,
MADURAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.APN LAW ASSOCIATES Advocate SR.No.1444

+1 cc to Mr.R.GANESH PRABHU, Advocate, SR.No.1507

ORDER

IN

CRL OP(MD). Nos.12526 and
12991 of 2021

Date :23/02/2022

SA/VR/SAR.2/02.03.2022/5P/8C