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

Date : 30/08/2022

PRESENT

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

**CRL OP(MD). Nos.13038, 13149 and 14438 of 2022**

|                 |                                                                 |
|-----------------|-----------------------------------------------------------------|
| Jeyakumar       | ... Petitioner/Accused No.2<br>(in Crl.O.P. (MD) No.13038/2022) |
| J.Sathialakshmi | ... Petitioner/Accused No.3<br>(in Crl.O.P. (MD) No.13149/2022) |
| M.Vignesh       | ... Petitioner/Accused No.5<br>(in Crl.O.P. (MD) No.14438/2022) |

Vs

|                                                                                                                                       |                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| 1. State rep.by<br>The Inspector of Police,<br>Land Grabbing Cell,<br>Thoothukudi District.<br>Thoothukudi.<br>(Crime.No.28 of 2022.) | ... Respondent/Complainant<br>(in all Petitions)                              |
| 2. V.Seenivasan                                                                                                                       | ... 2nd Respondent/Defacto<br>Complainant<br>(in Crl.O.P. (MD) No.13038/2022) |

For Petitioner : Mr.T.Lajapathi Roy, Advocate  
for Mr.Balaji.A, Advocate.  
(in Crl.O.P. (MD) Nos.13038 & 13149/2022)

Mr.S.Sarvanakumar, Advocate  
(in Crl.O.P. (MD) No.14438/2022)

For 1<sup>st</sup> Respondent : Mr.M.Vaikkam Karunanithi,  
Government Advocate (Crl.Side)  
(in Crl.O.P. (MD) No.13038/2022)

<https://www.mhc.tn.gov.in/judis> For Respondent : Mr.M.Vaikkam Karunanithi,  
Government Advocate (Crl.Side)  
(in Crl.O.P. (MD) Nos.13149 & 14438/2022)



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

COMMON PRAYER :-

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For Anticipatory Bail in Crime No.28 of 2022 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

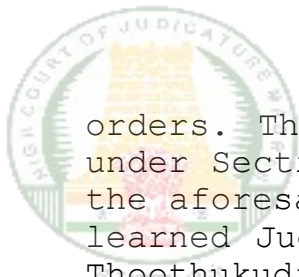
The petitioners are facing charges under Sections 120(b), 465, 468, 471 and 420 in Crime No.28 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that the property in S.Nos.240/1, 240/2A, 250/1, 253/1B, 253/3B and 258/3 situated at Chennai and Thoothukudi originally belongs to his father-in-law, namely Aadhirama Krishnasamy. The aforesaid owner died on 06.05.2009. The aforesaid deceased had four children. By suppressing the fact that there are found legal heirs, one Jeyaraman and Jeyakumar claiming that they are the only legal heirs of the aforesaid deceased sold the property to the accused persons on 06.05.202 and 25.05.2022. The market value of the property is about Rs.75,00,000/-. So, according to him, it is a clear case of cheating. On that basis, the case has been registered.

3.The learned counsel for the petitioners would submit that only a portion of the property has been sold and the petitioners are also ready either to give share of the aforesaid sale consideration, which belongs to the defacto complainant's wife or to give share in the property, which is remaining in the hands of the accused. On that ground, they produced a Demand Draft for a sum of Rs.14,32,250/-.

4.In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

5.Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thoothukudi, 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 Magistrate concerned and the petitioners in CrI.O.P.(MD) No.13038 and 14438 of 2022 shall appear before the respondent police daily at 10.30 am., until further orders and insofar as the petitioner in CrI.O.P.(MD) No.13149 of 2022, namely J.Sathialakshmi, is concerned, she shall appear before the respondent police once in 15 days ie., on the 1<sup>st</sup> and 16<sup>th</sup> working day of every English Calender month, until further



orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners must deposit the aforesaid amount to the credit of Crime No.28 of 2022 before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thoothukudi and must file an undertaking affidavit before the concerned Court that they are ready to allot the share, which is available to the defacto complainant's wife in the remaining property, in case the defacto complainant and his wife are not willing to receive a portion of the aforesaid sale consideration.

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

Sd/-  
30/08/2022

/ TRUE COPY /

08/09/2022  
Sub-Assistant Registrar (C.S.IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

MM

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,  
SPECIAL COURT FOR LAND GRABBING CASES,  
THOOTHUKUDI DISTRICT.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,  
LAND GRABBING CELL,  
THOOTHUKUDI DISTRICT,  
THOOTHUKUDI .



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

+1. CC to M/S.BALAJI.A Advocate SR.Nos.9398 & 9397

+1. CC to M/S.Mr.S.SARVANAKUMAR, Advocate SR.Nos.

ORDER  
IN  
CRL OP (MD) . Nos.13038,  
13149 and 14438 of 2022  
Date :30/08/2022

SP/SVR/SAR IV/08/09/2022/4P/8C