



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

Dated: 03/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.17456, 19497 and 19502 of 2021

(1).Crl.OP(MD)No.17456 of 2021:-

P.Chezhian ... Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch Police Station,
Madurai District.
(Crime No.24 of 2021)

... Respondent/Complainant

For Petitioner	: M/s.T.Lajapathi Roy, Advocate
For Respondent	: M/s.RMS.Sethuraman Additional Public Prosecutor
For Intervenor	: M/s.S.Tamilzharasan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the Respondent Police.

(2).Crl.OP(MD)No.19497 of 2021:-

1.Pappu
2.Thenammal ... Petitioners/Accused No.2 & 4

Vs.

State rep.by
The Inspector of Police,
District Crime Branch Police Station(ALGSC)
Madurai District.
(Crime No.24 of 2021)

... Respondent/Complainant



For Petitioners : Mr.S.Balaji
For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor
For Intervenor : Mr.S.Tamilzharasan, Advocate

WEB COPY

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the Respondent Police.

(3).Cr1.OP(MD)No.19502 of 2021:-

1.Murugan
2.Ganesan
3.Backiyam ... Petitioners/Accused No.6 to 8

Vs.

State rep.by
The Inspector of Police,
District Crime Branch (ALGSC),
Madurai District.
(Crime No.24 of 2021) ... Respondent/Complainant

For Petitioners : M/s.S.Balaji, Advocate
For Respondent : M/s.RMS.Sethuraman
Additional Public Prosecutor
For Intervenor : M/s.S.Tamilzharasan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1, A2, A6 to A8 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120-B, 419, 420, 465, 468 and 471 IPC, in Crime No.24 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 with the connivance of the other accused persons, had impersonated, created a forged document and executed a sale and sold the property to different



3. Heard both sides.

4. The property dispute exists between the de-facto complainant and the petitioners thrown much light in the order that has been passed by the District Registrar, which was undertaken on the basis of the complaint given by the de-facto complainant Mariappan. In the complaint, he has shown six persons as respondents before the District Registrar.

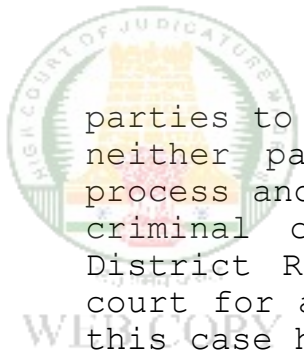
5. The case of the de-facto complainant is that the property involved in dispute is situated in Survey No.57/11, 57/14 situated in Kellakulil village, Madurai South. In respect of survey No.57/14, it is the case of the de-facto complainant that the property originally belonged to his anut namely Alagu and she executed a will in his favour. After the Will came into force, he got mutation in respect of the above said properties. The accused persons created the forged documents as if it belongs to him and similarly in respect of other persons in Survey No.57/11.

6. It is the case of the de-facto complainant that the property was purchased by his father through the registered sale deed, dated 02/07/1969. One Nondi Kaluvayi, who was shown as 6th respondent in the complaint, is no way related to the property, since in respect of that property also, forged documents have also been created by the accused persons. A joint enquiry was undertaken by the District Registrar and all the parties appeared and produced documents. On going through the documents, the District Registrar came to the conclusion that both the parties, claim, right of title on the basis of the revenue records. So finding that it is a purely civil dispute between the parties, the complaint given by the de-facto complainant was rejected.

7. Reading of the order clearly shows that both the parties claim right and title over the disputed properties. To whom the property belongs is not only a matter for investigation, but also it a matter for civil process.

8. The intervener also produced the documents concerning the property. As mentioned by the District Registrar, the de-facto complainant claims absolute title over the property. Now the contention on the part of the intervener is that Chelizan is involved in similar crimes in the village on the previous occasions also. In response to the above said allegation, the learned counsel appearing for the petitioners would submit that the matter has been compromised in respect of Crime No.7 of 2019 between the parties out of the court.

9. Now whatever it may be, from the narration of facts as well as the facts and circumstances of this case, it appears that even



parties to work their remedy through civil process, as early as 2019 neither parties tried to resolve the dispute through the civil process and the intervenor was keeping on giving separate continuous criminal complaints ignoring the advise that was given by the District Registrar. Finally, it appears that he approached this court for a direction and in pursuance of the above direction only, this case has been registered. So the history shows a long standing dispute between the parties.

10. So considering the above facts and circumstances of this case and in the light of the order passed by the District Registrar, I am of the view that prima facie has been made out by the petitioners for granting anticipatory bail in their favour.

11. Considering the above facts and circumstances of this case, this court is **inclined to grant anticipatory bail to the petitioners** with certain conditions. Accordingly, 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, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police once 15 days at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. 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 will stand dismissed.

Sd/-
03/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
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/
SPECIAL COURT FOR
LAND GRABBING CASES,
MADURAI.

2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.

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

+1CC TO Mr.T.Lajapathi Roy, Advocate, SR NO.4146

ORDER IN
Crl.OP(MD)Nos.17456,
19497 and 19502 of 2021
Date :03/02/2022

SP/SBN/SAR III/15/02/2022/5P/6C