



WEB COPY

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

Dated: 03/02/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.19101 of 2021

1.Ravichandran
2.Selvaraj
3.Gunaraj
4.Yesuthangam
5.Ponkasi

... Petitioners/Accused
No.1,2,3,4 and 6

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Tirunelveli,
Tirunelveli District.
(Crime No.13 of 2021)

... Respondent/Complainant

For Petitioners : M/s.S.Palani Velayutham, Advocate

For Respondent : M/s.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER:-

For Anticipatory Bail in Crime No.13 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 to A6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 467, 468, 471 and 420 IPC, in Crime No.13 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that all the accused persons created a fake deed as if A4 namely Yesuthangam is having a share in the property comprised in Survey No.41/2A of an extent of 2 Acres and 79 cents and in pursuance of the above said deed, a settlement deed was made in the Sub Registrar, Radhapuram, on 17.12.2019 alleging that it was given under partition.

3.Heard both sides.

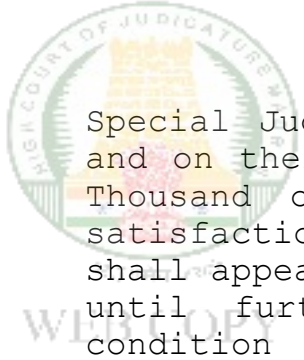
4.The entire CD file has been called for and perused. The explanation that was given in the statement throws much light upon the controversy. As per the explanation that has been given by the 1st accused, it is seen that that Paul Durai Nadar, who is the husband of the de-facto complainant had two wives and the 4th petitioner/A4 is the 2nd wife and through his first wife, he had three sons and through his 2nd wife, he had three sons and one daughter. Paul Durai Nadar died leaving beyond all the above children as well as the first petitioner as legal heirs.

5.According to the de-facto complainant, the property, which was left by Paul Durai Nadar was inherited by all the legal heirs. But by suppressing and excluding her from the partition, several other legal heirs entered into a partition deed, dated 21/12/2002. Through the above said partition, the property was allotted to the share of one of sons namely Subramanian. Later the first petitioner executed a settlement deed in respect of his 1/8th share in favour of her son. So according to the first petitioner, the settlement deed that was effected by her cannot be termed as a forged document. The partition deed that was entered into between the legal heirs is not binding upon her. Only on that ground, the earlier complaint that was given by the de-facto complainant was closed by the Investigating Officer, which was informed to this court, when CrI.OP (MD)No.1142 of 2021 was heard. Now suppressing the above said closure, the de-facto complainant has filed a petition under section 156(3) Cr.P.C before the concerned court and got the favourable order. So according to the first petitioner, it is purely a civil dispute, in which no cheating or forgery are involved.

6.Reading of the entire CD file also shows that it is purely a civil dispute, which involved the right of the first petitioner over the disputed property.

7.As contended by the learned counsel for the petitioners, whether the partition deed that was entered into between the legal heirs of Pauldurai is valid or not, is a matter for consideration, by a proper competent civil court.

8.So I am of the considered view that it is a fit case 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



Special Judicial Magistrate, Anti Land Grabbing Cases. Tirunelveli 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

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

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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 SPECIAL JUDICIAL
MAGISTRATE, ANTI LAND GRABBING CASES,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.19101 of 2021

Date : 03/02/2022

SP/VR/SAR II/09/02/2022/3P/5C

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