

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

Dated: 05/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.20020 of 2021

1.M.Periyasamy

2.P.Selvaraj : Petitioners/A2 and A3

Vs.

State rep. By Inspector of Police,
Land Grab Wing Special Cell,
District Crime Branch,
Subramaniapuram,
Trichy District S.P Office,
Trichirappalli,
(Crime No.24 of 2021)

: Respondent/Complainant

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER:-

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

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A2 and A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 468, 474 and 34 of 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 the de-facto complainant purchased a plot in Survey No.15/1 on 18/10/1979 from one Arumugam. He made arrangements to sell the above said plot. So, he applied for encumbrance certificate. At that time, he came to know that the above said Arumugam again executed a power of attorney in favour of his own brother namely Periyasamy. Again the above said Arumugam, sold one item to one Selvaraj in New Survey Nos.15/1D1 and 15/1E. So repeated encumbrance has been made by the above said Arumugam over the property, which was sold to him. On the basis of the complaint given by the de-facto complainant, the case has been registered against four persons including the Sub Registrar of Thiruvarambur, Trichy.

3.Seeking anticipatory bail, this petition has been filed by A2 and A3.

4.Heard both sides.

5.At the time of argument, the learned counsel appearing for the petitioners would submit that it is a case of identification of the property. According to him, originally the survey No.15/1 has been sub-divided into various sub divisions. The property, which was purchased by the de-facto complainant lies only in survey No.15/1E2 and A3-Selvaraj filed a suit in O.S No.281 of 2022 stating that the property that was purchased by him lies only in Survey No.15/1D1. So as mentioned above, the original Survey No.15/1 was having an extent of 8.20 acres. Out of the above said extent, 2.20 acres were plotted out. The de-facto complainant purchased plate No. 36. Whether actual above said plot No.36 can be found out by measuring the property. Since the identification of the property is disputed by the second 2nd respondent, a suggestion was made to the effect that arrangement can be made by the respondent police to fix the boundaries with the help of the surveyor, which dispute came into light.

6.From the factual circumstances of this case, I am of the considered view that as suggested above, survey can be undertaken by the respondent police with the consent of the de-facto complainant and the other parties concerned, because several persons purchased different plots and during the course of survey, if any incriminating has been brought on record against those persons, then they must be proceeded in accordance with law. Moreover, it is seen that Arumugam was dead. But however, he has been shown as A1.

7.In the light of the above said facts and circumstances of the 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 Special Court for Land Grabbing cases and Additional Mahila Judicial Magistrate, Trichy and on each of them 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 in a week 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 petitions for anticipatory bail stands dismissed.

(G I J)
04.08.2022

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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.

G.ILANGOVAN ,J
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To,

- 1.The Inspector of Police,
Land Grab Wing Special Cell,
District Crime Branch,
Subramaniapuram,
Trichy District S.P Office,
Trichirappalli,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.OP(MD)No.20022 of 2021

04/08/2022

