



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/01/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)No.20850 of 2021

Ayyanar

... Petitioner/Accused No.4

Vs.

State through
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.31 of 2021)

... Respondent/Complainant

For Petitioner : M/s.M.Thirunavukkarasu, 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.31 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A4 apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 420, 465, 467, 468 and 471 IPC, in Crime No.31 of 2021, seek anticipatory bail.

2. The case of the prosecution in brief:- The property comprised in Survey Nos.69/1,2, 49/3C, 62/3C, 3D and 21/9 in Ayyanparapatti village of Peraiyur Taluk originally belonged to one Muthammal. The said Muthammal had 3 sons namely Palraj, Subramanian and Balakrishnan and three daughters namely Mookammal, Pounthai and Indira. The de-facto complainant is the wife of Palraj and he died on 12/02/2002. Suppressing the fact that other legal heirs are also available, the above said Pounthai created a forged document as if she is the only legal heir of Muthammal and obtained patta on the strength of the patta she executed a deed in favour of one Krishnakumar and Vsathanakumar. On the basis of the above said settlement deed, the said Krishnakumar executed a registered sale agreement, on 04/09/2020 in favour of this petitioner. On the basis



of the complaint, the case in Crime No.31 of 2021 has been registered for the above said offences.

3. Seeking anticipatory bail, this petitioner, who is A4 moved this petition before this court on the ground that absolutely this petitioner is not known the above said affair and on coming to know that the other legal heirs also available for the above said Muthammal, she sent a complaint, dated 16/04/2021 to the Inspector of Police, Peraiyur, setting out the facts and circumstances, wherein he has stated that on the previous occasion, there was a sale agreement between himself and the owner and the sale was arranged through a broker. When he demanded the original document concerning the property, he was handed over only the settlement deed copy of the encumbrance certificate. When that was brought to the notice that the original owner of the property sent a complaint and that was not properly enquired. The complaint is dated 16/04/2021. Now after sending of the complaint only, petition under section 156 (3)Cr.P.C was filed before the Judicial Magistrate No.1, Peraiyur during the month of October 2021. Based upon the order passed by the learned Magistrate, this case has been registered.

4. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above said illegal activity, which was alleged to have committed by the said Paunthai. He is the bona fide purchaser. Originally, he sent a compliant, dated 16/04/2021 and on that basis, the case has been registered, subsequent to the above said complaint, I find prima facie that this petitioner is not involved in the above said illegal activities.

5. Considering the above facts and circumstances of this case, this court is **inclined to grant anticipatory bail to the petitioner** with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate/Special Court for Land Grabbing cases, Madurai and on his 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 petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner 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/-

11/01/2022

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



TO

1. THE JUDICIAL MAGISTRATE/
SPECIAL COURT FOR LAND GRABBING CASES,
MADURAI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.THIRUNAVUKKARASU M Advocate SR.No.226

ORDER

IN

CRL OP (MD) No.20850 of 2021

Date :11/01/2022

SP/VR/SAR II/20/01/2022/3P/6C