



Crl.O.P.No.14632 of 2023

and

Crl.M.P.No.9332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 04.07.2023	Orders pronounced on 07.07.2023
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CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.14632 of 2023

and

Crl.M.P.No.9332 of 2023

Crl.O.P.No.14632 of 2023:

1. R.Ravichandran

2. R.Latha

... Petitioners

Vs.

The State
represented by
The Inspector of Police
Central Crime Branch – I
Vepery, Chennai – 600 007.
(Crime No.87 of 2023)

... Respondent

This Criminal Original Petition is filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in connection with Crime No.87 of 2023 on the file of the respondent police.



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Shanmugam

... Petitioner/Intervenor/defacto complainant

..VS..

1. State represented by
The Inspector of Police
Central Crime Branch – I
Vepery, Chennai – 600 007.
(Crime No.87 of 2023)

2. R.Ravichandran

3. R.Latha ... Respondents

Crl.M.P.No.9332 of 2023 is filed by defacto complainant Shanmugam, praying to allow him to place his submissions intervene in Crl.O.P.No.14632 of 2023 in Crime No.87 of 2023 on the file of Inspector of Police, Central Crime Branch, Chennai.

For Petitioners in : Mr.Navaneethakrishnan
Crl.O.P.14632 of 2023 / Senior Counsel
Respondents 2 & 3 for
in Crl.M.P. 9332 of 2023 M/s.R.Naveen

For Respondent in
Crl.O.P.14632 of 2023 / : Mr.Leonard Arul Joseph Selvam
Respondent – 1 in Government Advocate (Crl. Side)
Crl.M.P. 9332 of 2023



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For Petitioner /
Intervenor / defacto : Mr.S.Suresh
complainant in
Crl.M.P.9332 of 2023

ORDER

This Criminal Original Petition is filed praying to enlarge the petitioners on bail in connection with Crime No.87 of 2023 on the file of respondent police.

2. Learned counsel for petitioners submitted that petitioners are shown as accused (A1 and A2) in Crime No. 87 of 2023 registered for the offences under Sections 465, 467, 468, 471, 120-B r/w. 34 of IPC. The allegations against the petitioners is that the petitioners claim right in respect of the property at Survey No.2/6, Plot No.120 to an extent of 2405 sq.ft without any right in the property. The truth is that the property originally belonged to one Annakili and she sold the property to Vasantha



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Bai through a registered Sale Deed in Document dated 25.10.1985.

Vasantha Bai executed a Power of Attorney in favour of one Mr.Renganathan on 12.10.1992 in respect of this property. First petitioner Mr.R.Ravichandran and Ranganathan entered into a sale agreement on 28.12.1992 and then on 19.09.1994 Ranganathan sold the property to the first petitioner through registered sale deed. After purchase, first petitioner Ravichandran sold the property to Poongothai on 18.05.2022. Patta stands in the name of Poongothai. First petitioner as a rightful owner sold the property to Poongothai. However, first petitioner's wife is also implicated as accused in this case. First petitioner is suffering from various illness and thus, petitioners prayed for bail.

3. Learned Government Advocate (Crl. Side) submitted that perusal of the documents show that the property purchased by first petitioner is different from the property purchased by defacto complainant. However, accused are claiming right in the property of defacto complainant by inserting Plot No.120 in the sale deed executed by first petitioner.



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Investigation in this case is not completed.

4. Crl.M.P.No.9332 of 2023 is filed by defacto complainant Shanmugam, praying to allow him to place his submissions intervene in this Crl.O.P.No.14632 of 2023. This intervening petition is allowed and defacto complainant is permitted to make his submissions as intevenor in this Criminal Original Petition. Learned counsel for Intervenor/defacto complainant submitted that the intervenor/defacto complainant traced his title to the property in S.No.2/6A2A Plot No. 120 measuring 2460 sq.ft through purchase by his mother Janaki Ammal on 09.02.1987 from one Mahaveerchand, Power Agent of Kukkaram Chowdry. The adjacent properties in S.No.2/6A2B and S.No.2/6A2C were purchased by Janaki Ammal's brother Murugesan and elder sister Pankajam respectively. All the three are entitled to 4860 sq.ft of land in these survey numbers. First petitioner has no right in the property purchased by Janaki Ammal, Murugesan and Pankajam. However, first petitioner/first accused is claiming right in this property and deliberately included Plot No.120 in the



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sale deed executed by him and accused had also prevented the defacto complainant from enjoying the properties. In support of his submissions, he produced the sale deed executed by the original owner Loggiah Naidu in favour of Yesudian on 02.07.1964, sale deed executed by Yesudian in favour of Vedavalli on 23.05.1981, General Power of Attorney Deed executed by Vedavalli in favour of Ramamoorthy on 24.02.1983, sale deed executed by Ramamoorthy in faour of Kukkaram on 28.07.1983 and three sale deeds dated 09.02.1987 executed by Mahaveer Chand, Power Agent of Kukkaram, in favour of Janaki, Murugesan and Pankajam respectively.

5. Considered the rival submissions and perused the records.

6. From the submissions of learned counsel appearing for parties, it is evident that two parties are claiming right in respect of a same piece of land. Both parties produced title deeds in respect of their claim. Perusal of the documents produced by the petitioners, especially the sale deed in favour of first petitioner Ravichandran dated 03.01.1994 shows that he



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purchased an extent of 2405 sq.ft plot in S.No.2/6 of Pallikaranai Village, Saidapet, at Chengai MGR District. This plot is bounded on the,

North	-	Vacant land
East	-	Annakkili Vagaiyara land
South	-	Common road
West	-	Annakkili Vagaiyara land

Within this, East-West measuring on the North and South 37 feet and North-South measuring on the East and West 65 feet.

7. Perusal of the sale deed dated 02.07.1964 executed by Loggiah Naidu in favour of Yesudin shows that it is not readable. This document is claimed to be the oldest document in support of the title claim of intervenor/defacto complainant. The sale deed executed by Yesudian in favour of Vedavalli dated 23.05.1991 shows that she purchased an extent of 2 grounds and 60 sq.ft in Plot No.120 in LIC Nagar Layout comprised in S.No.2. The boundaries are,

North by : Plot No.119



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South by : 3rd Main Road

East by : Plot No.121

West by : Plot No.117

This property situates in village No.149, Pallikaranai in Madras Chingleput District and Saidapet Sub District. In the subsequent Power of Attorney Deed dated 24.02.1983 and sale deed dated 28.07.1983 in favour of Kukkaram, the same description is found. On 09.02.1987, as stated above, Janaki, Murugesan and Pankajam purchased this property from Mahaveer Chand, Power Agent of Kukkaram. Pankajam purchased the middle portion measuring 1200 sq.ft. Murugesan purchased the portion on the East of Pankajam's property measuring 1200 sq.ft and Janaki purchased 2400 sq.ft on the West of the Pankajam's property. The northern and southern boundaries of all the three properties remain the same. In all these sale deeds, it is specifically stated that the property situates in 149, Pallikaranai Village in S.No.2 and Plot No.120. Thus, it is established from the documents by intervenor/defacto complainant that the title to the properties covered under the sale deeds in favour of Janaki, Murugesan and Pankajam



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are traced from 1964.

8. On the other hand, first petitioner traces his title from 1985 through the sale deed of Annakili. Annakili claims that the property covered under sale deed dated 25.10.1985 belonged to her by ancestral disposition. The description as aforesaid mentioned in the sale deed dated 24.02.1983 is repeated in the Power of Attorney deed dated 12.10.1992 and the sale agreement dated 28.12.1992 and the sale deed dated 03.01.1994 in favour of first petitioner. In these sale deeds, there is no mention about “LIC Nagar and Plot No.120”, however, when the first petitioner sold the property to accused Poongothai on 18.05.2022, the sale deed refers about LIC Nagar and Plot No.120.

9. It is the submission of learned counsel for intervenor/defacto complainant that by deliberately inserting the words “LIC Nagar and Plot No.120” in the sale deed dated 18.05.2022, accused claiming right in the property of Janaki, Murugesan and Pankajam. It is true that as already



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indicated that there is no mention about “LIC Nagar and Plot No.120” in the earlier title deeds of the first petitioner. He introduced these details, when he sold the property to Poongothai on 18.05.2022. However, the property purchased by first petitioner refers about S.No.2/6 in the same Pallikaranai Village. The property of defacto complainant and his relatives have the survey numbers 2/6A2A, 2/6A2B and 2/6A2C. There is no sub division shown in the sale deeds of Janaki, Murugesan and Pankajam. Primarily there appears dispute with regard to the identity of the property. Defacto complainant and his relatives are claiming right in 4860 sq.ft of land, whereas accused claim right in respect of 2405 sq.ft of land. The identity dispute can be resolved only if the disputed property is surveyed with the help of surveyor. With regard to the rival title claim, the issue of title can be resolved only by a competent civil court, after examining the witnesses and the documents. It is not known whether parties have filed any civil suit with regard to the dispute.

10. Now the question is whether the petitioners are entitled for bail.



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11. Obviously, the words “LIC Nagar and Plot No.120” were introduced in the sale deed dated 18.05.2022 executed in favour of Poongothai by first petitioner. Prior to that, these details were not found in his prior title deeds. Whether, for introducing these details, bail can be denied to the petitioners ? The answer in the considered view of this Court is 'No'. There is rival claim over the title to the property of intervenor/ defacto complainant. As discussed above, the issue between the parties have to be resolved only by a civil court after analysing the documents of title and oral evidence to be adduced. It is not the case that first petitioner had forged the document. As per records available, he purchased the property on 03.01.1994. Only when he sold the property to Poongothai, he introduced the details like “LIC Nagar and Plot No.120”. If this introduction, though not found in prior title deeds, is a genuine omission in the prior title deeds, then the introduction can be justified, otherwise not. The question is whether the accused can claim title in the property of defacto complainant and his relatives? This issue can be resolved only in



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the trial. Therefore, for introducing these details, bail cannot be denied to the petitioners. Petitioners are in judicial custody from 09.06.2023. The case mainly rests on documentary evidence. Continuing incarceration of the petitioners is not necessary. In this view of the matter, this Court is of the view that petitioners are entitled for bail.

12. Accordingly, petitioners are ordered to be released on bail on each of them executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties** each for a like sum to the satisfaction of the learned Metropolitan Magistrate, CCB and CBCID Court, Egmore, Chennai and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] first petitioner shall report before the respondent



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police daily at 10.30.a.m., until further orders.

[c] second petitioner shall report before the respondent police as and when required by the respondent police for interrogation.

[d] petitioners shall not abscond either during investigation or trial.

[e] petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid



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down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

11. With the above conditions, this Criminal Original Petition is allowed.

07.07.2023

mra

Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

1. Metropolitan Magistrate,
CCB and CBCID Court,
Egmore, Chennai.
2. The Inspector of Police
Central Crime Branch – I
Vepery, Chennai – 600 007.

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3. The Public Prosecutor,
Madras High Court,
Chennai.

G.CHANDRASEKHARAN,J.

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order in

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