



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.2203 of 2023

WEB COPY

Saravanamuthu

...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(in Cr.No.2 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.2 of 2023.

For Petitioner : Mr.T.Veerakumar, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 465, 468, 471, 420 and 120(B) IPC in Crime No.2 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Meenakshi is that her mother-in-law by name, Karuppayi Ammal, had purchased a property by way of registered sale deed vide Doc.No.50/1989 on 18.01.1989 from one Shajahan and thereafter, the said Karuppayi Ammal had executed settlement deed in Doc.No.43/2019 in favour of her son Rathinasamy, who is the husband of the defacto complainant on 10.01.2019 and in turn on 01.09.2021, the said Rathinasamy had executed inam settlement deed in favour of his wife/the defacto complainant herein. Subsequently, the said Karuppayi Ammal has once again executed a registered inam settlement deed in favour of the accused 1 and 2, who are her other sons vide Doc.No.1333 of 2022 dated 06.05.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant is none other than the sister-in-law of the petitioner and the petitioner's mother Karuppayi Ammal had earlier executed a sale deed in favour of the petitioner and another son Duraisingam in respect of the properties whereas she has also entrusted the original documents with the petitioner. Later the



petitioner had gone abroad for employment. While so, the complainant's husband, who is also another brother of the petitioner, by taking advantage of the absence of the petitioner and the old age of his mother, had taken her to the Sub Registrar's Office and misguided her and executed settlement deed in his favour and he has also suppressed by a false statement stating that the original documents are missing. Later the petitioner's mother Karuppayi Ammal came to know that she was cheated and she is also now supporting the petitioner and civil litigations are pending between the parties in respect of the property. While so, suppressing all these the defacto complainant has filed a false complaint.

4. The learned counsel for the petitioner would further submit that the defacto complainant has also filed a suit in O.S.No.57 of 2022 on the file of the District Court, Ramanathapuram and the petitioner's mother has also filed a counter claim stating that she was cheated by the defacto complainant's husband. He would also submit that the entire case of the prosecution is borne out by documents. He would pray for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.side) would submit that the petitioner is the brother-in-law of the defacto complainant. The defacto complainant's mother-in-law had earlier executed a settlement deed in favour of the defacto complainant's husband Rathinasamy on 10.01.2019. Later, the said Rathinasamy had executed a settlement deed in favour of his wife/defacto complainant. Later the petitioner and his brother had taken his mother Karuppayi Ammal to the Sub Registrar's Office and they have executed another settlement deed without the knowledge of the defacto complainant. He would also submit that investigation is pending and he would oppose for grant of anticipatory bail to the petitioner.

6. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

<https://www.mhc.tn.gov.in/judis> the petitioner and the sureties shall affix their



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

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

It is made clear that the observations are made only for deciding this petition for anticipatory bail and it will not have any bearing in the civil proceedings pending between the parties.

sd/-

09/02/2023

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/02/2023

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

CM

TO

1 THE JUDICIAL MAGISTRATE, SPECIAL COURT FOR LAND GRABBING CASES,
RAMANATHAPURAM.

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

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.VEERAKUMAR.T Advocate SR.No. 2111(I)

ORDER

IN

CRL OP(MD) No.2203 of 2023

Date :09/02/2023