



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

PRESENT

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

CRL.O.P(MD)No.3429 of 2023

WEB COPY

1.Vandu C.Periyasamy
2.Muthu @ Muthusamy
3.Kiruthika

...Petitioners/A1, A3 and A4

-vs-

State represented by
The Inspector of Police,
District Crime Branch,
Trichy,
Trichy District.
(Cr.No.04 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.04 of 2023 on the file of the respondent Police.

For Petitioners : Mr.S.Suresh Kumar, Advocate

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

For Intervenor : Mr.J.Lawrance, Advocate

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420, 468, 471 IPC in Crime No.04 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Ramapalaniyappan is that he is the legal heir of the Trustees, who have formed a Trust by name Ariyakudi Chidambaram Chettiyar Annadhana Chatram and thereafter, certain suits were filed and a scheme was framed and as per the scheme, Trust was controlled by a Board of Control and Board of Trustees. While so, the accused, who belong to the same community, by fabrication of documents had conducted a general body meeting and later based on a lease deed, the valuable property belonging to the Trust thereby



causing loss to the Trust. The first accused had executed a document in which the accused 3 and 4 have stood as witnesses. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the Trust was formed by forefathers of the defacto complainant and later handed over to the community. The defacto complainant family is claiming right over the property and thereby civil disputes are also pending and the first petitioner after getting approval in the general body meeting for the benefit of the Trust had registered a lease deed in favour of the second accused in which the accused 3 and 4 have stood as witnesses. He would also submit that investigation is pending and would pray for grant of anticipatory bail to the petitioners.

4. Mr.J.Lawrance, learned counsel for the intervenor would submit that the Trust was formulated by the forefathers of the defacto complainant and later civil suit was filed with regard to the management of the Trust and a scheme was framed and thereby a Board of Control and Board of Trustees were formed and thereby the family members of the defacto complainant were under control of the Trust whereas the first accused, who is a stranger, had conducted a farce general body meeting and later based on fabrication of documents had leased out a valuable property of the Trust to third parties. He would strongly object for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (crl.side) would submit that there was a dispute with regard to Trust properties and the case has been registered for the offences under Sections 420, 468 and 471 IPC against four persons and the petitioners are arrayed as A1, A3 and A4 and the accused, by fabrication of documents had leased out the valuable property of the Trust and he would oppose to grant anticipatory bail.

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

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Special Court for Land Grabbing Cases, Trichy, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 condition that:



[a] the petitioners and 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] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Saturday at 10.30 am until further orders.

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

[d] the petitioners 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 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 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 made in this petition are only for deciding this anticipatory bail application and this will not have any bearing on the civil litigations pending between the parties.

sd/-

02/03/2023

/ TRUE COPY /

/03/2023

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, TRICHY.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

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

<https://www.mhcnw/jud> DISTRICT.



CRL.O.P(MD)



23

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

+1 CC to M/s.S.SURESHKUMAR, Advocate (SR-3429[I] dated 06/03/2023)

WEB COPY

ORDER

IN

CRL OP(MD) No.3429 of 2023

Date :02/03/2023

RK/MMS/SAR-4(20/03/2023) 4P/6C