



Crl.OP(MD)No.14223 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 25/08/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

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Ramachandran

: Petitioner/Sole Accused

Vs.

State Rep.by
The Sub Inspector of Police,
Kurangani Police Station,
Theni District.
(Ref:Crime No.37 of 20230

: Respondent/Complainant

For Petitioner : Mr.B.Chakkaravarthi,Advocate

For Respondent : Mr.S.Manikandan
Government Advocate (Criminal side)

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

PRAYER:-For Anticipatory Bail in Crime No.37 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the offences punishable under sections 447, 427, 294(b)



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and 506(ii) IPC, in Crime No.37 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that on 23/07/2023 at about 10.00 am, one Ramachandran, S/o.Sankar, who is the petitioner herein alleged to have trespassed into the property in Survey No.187/1 and caused damage to the coffee plantation. He also made criminal intimidation, created fake records. The damage of the above said coffee plantation is worth about Rs.2,00,000/-. Based on the complaint given by the de-facto complainant, a case in Crime No.37 of 2023 was registered for the offences stated above.

3.Seeking anticipatory bail, this petition has been filed by the petitioner.

4.It is the contention on the part of the petitioner that Survey Nos.187/1, 129 and 200 situated at Body West Hills Village, Bodi Taluk, Theni District, was purchased by one P.Megalingam from one Aadhilingam, on 31/07/2009. There was some discrepancy in the survey numbers. So this court, by order, dated 20/11/2013 in WP(MD)No.3143 of 2021 directed the revenue officials to issue patta in favour of Megalingam. After the death of Megalingam, the petitioner purchased the property from the legal heirs of the deceased Megalingam, by document No.1630 of 2020.



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5. According to the petitioner, the de-facto complainant is having land in Survey No.187/2, which is not related to the property purchased by the petitioner.

6. Per contra, it is the case of the prosecution as well as the de-facto complainant that the disputed property is situated only in Survey No.187/1.

7. Perusal of the records shows that originally, the Government assigned land in favour of one Aadhilingam. From the above said Aadhilingam, one P.Megalingam purchased the property, who in-turn sold the same in favour of the petitioner. The above said sale deed standing in the name of the petitioner was cancelled, on the basis of the order passed by the RDO. Since patta has been cancelled and revenue records have been changed as 'sarkar tharisu', the patta present standing in the name of the petitioner was cancelled.

8. Against the above said cancellation, P.Megalingam filed WP(MD)No.3143 of 2013 to set aside the order passed by the District Collector, on 02/03/2023. As mentioned above, the above said P.Megalingam is the vendor of this petitioner. In the petition, he has stated that originally the property in Survey Nos.187/1, 129 and 200 was assigned in favour of Aadhilingam, by order, dated 28/03/1978. Aadhilingam was in possession for about 31 years. From Aadhilingam, the above said P.Megalingam purchased the property, on 31/07/2021 through a registered document. He filed a petition seeking transfer of patta. That was not issued, he filed



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WP(MD)No.13360 of 2009 seeking direction. After a prolonged proceedings, the order has been passed by the District Collector, Theni stating that violating the condition of assignment, Aadhilingam sold the property to Megalingam. After hearing the Government and the private parties, a direction was issued to the District Collector, Theni, to consider the grievance expressed by Megalingam. The above said order was passed, on 20/11/2013. What happened after that is not clear on record.

9.But however, from the narration of facts, it is seen that this petitioner alleged to have purchased the property bona-fide from Megalingam. Absolutely, I find no criminal intention on the part of this petitioner, while purchasing the above said property.

10.But however, the de-facto complainant stated that above said property belongs to him, but the petitioner says that he owns the property in Survey No.187/2.

11.The civil issue to whom the property belongs must be adjudicated by the civil forum. Even though, patta that was granted in favour of Aadhiligam has been cancelled, but subsequent proceedings, as mentioned above, are not available on record.



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12. Considering the above said facts and circumstances of the 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, Bodinaickanur 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 Judicial Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 am, until further orders. The petitioner shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

sd/-
25/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDICIAL MAGISTRATE,
BODINAICKANUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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3 THE SUB-INSPECTOR OF POLICE
KURANGANI POLICE STATION,
THENI DISTRICT

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

ORDER
IN
CRL OP(MD) No.14223 of 2023
Date :25/08/2023

PKP/VR/SAR- /07.09.2023/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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