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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16480 of 2023

1.Dhanabalan @ Dhanapaul

2.Thirugnanam

... Petitioners/ Accused Nos. 8 and 9

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi District,
Crime No.31/2022.

... Respondent/ Complainant

For Petitioners : M/s.P.Ganapathi Subramanian
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.31/2022 on the file of the respondent police.



ORDER : The Court made the following order :-

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The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 120(b), 420, 463, 464, 465, 468, 470 and 471 of IPC in Crime No.31 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that originally the property under the subject matter belongs to one Tmt.Pommakkal and Muthukumara Thevar @ Muthaiya Thevar and Karuppayi Ammal. Pommakkal expired some 50 years prior to the occurrence. Muthukumara Thevar also died in 1948 followed by Karuppayi Ammal in 2000. During the lifetime of Pommakkal, Muthukumara Thevar, partition was effected on 21.12.1962. Later, between the legal heirs of Muthukumara Thevar, another partition took place in Document No.166 /1965. One of the legal heirs namely Murugaiah sold the property allotted to him on 30.07.1966 in favour of Paulsamy who is the father of the defacto complainant. Revenue records were also transferred after that. Paulsamy died on 21.05.2007 intestate. The mother pre-deceased the father. After that the defacto complainant and other legal heirs were enjoying the property jointly. In 2023, EC was obtained for the purpose of effecting partition. It came to light that after the sale, a portion of the property measuring about 14 cents in Survey



No.792/1, patta was illegally obtained. After obtaining above said patta property was sold to Believer's Church on 18.03.2015. In the above said sale deed, the accused Nos.1,2 and 3 signed as vendors. Accused Nos.4 and 5 signed as witnesses. Accused No.6 is the power of attorney holder and accused No.7 is the purchaser. Accused No.8 was the document writer. Accused No.9 was the then Sub Registrar. On the basis of the above said occurrence, a case was registered in Crime No.31 of 2022. Seeking anticipatory bail this petition has been filed by the Accused Nos. 8 and 9.

3. Learned counsel for the petitioner submitted that Accused No.8 is the document writer and Accused No.9 is the Sub Registrar who retired from service. On the ground that only based upon the revenue records, produced by the vendors, the document was prepared by the first Accused, presented for registration before the second petitioner/ Accused No.9, after believing the above said records only it was registered.

4. Per contra, learned Government Advocate (Crl.side) would submit that after selling the property, the legal heirs of Murugaiah obtained patta for 14 cents illegally by using the same documents having sold the property to the accused. So they have committed of forgery and other things. It is also submitted that the first



petitioner being the document writer ought to have verified the documents at the time of preparing the same. The second petitioner ought to have verified the parent documents. Without verification, they have created the documents.

5. Perusal of records shows that the prime accused / Accused Nos.1,2 and 3 and the witnesses to the documents Accused Nos.4 and 5 were granted anticipatory bail. Considering the limited role alleged to have played by these petitioners, this Court is inclined to grant relief to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Special Court for land grabbing cases (Judicial Magistrate level), Thoothukudi, on condition that the petitioner shall execute a 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 learned Magistrate concerned and the first petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders and the second petitioner shall appear before the respondent police on every Sunday at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.



7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
12/09/2023

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/10/2023

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

TO

1 THE JUDGE,
SPECIAL COURT FOR LAND GRABBING CASES
(JUDICIAL MAGISTRATE LEVEL),
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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

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

+1 CC to M/s.M/S.P.GANAPATHI SUBRAMANIAN, Advocate (SR-13558[I] dated
13/09/2023)



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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023



ORDER

IN

CRL OP(MD) No.16480 of 2023

Date :12/09/2023