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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). Nos.22705, 22706 and 22707 of 2022

N.Sekar	... Petitioner/A1 in Crl.O.P.(MD)No.22705 of 2022
N.Ravichandran	... Petitioner/A2 in Crl.O.P.(MD)No.22706 of 2022
R.Chandrasekaran	... Petitioner/A3 in Crl.O.P.(MD)No.22707 of 2022

Vs

The State represented by
The Inspector of Police,
Anti Land Grabbing Special Cell,
District Crime Branch, Trichy
(Crime No.21 of 2022).

... Respondent/Complainant
in all petitions

K.Radha

... Petitioner/Intervenor
in CRL MP(MD) Nos.313, 318 & 328 of 2023

In all petitions:-

For Petitioner : M/s.Kannan.R.R.,
Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)
For Intervenor : Mr.H.Laxmi Shankar

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.21 of 2022 on the file of the
respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehends arrest at the
hands of the respondent police for the offences punishable under
Sections 120(b), 294(b), 420, 467, 468, 471 and 506(1) of I.P.C., in
Crime No. 21 of 2022 on the file of the respondent police, seek
anticipatory bail.



2.The case of the prosecution is that the husband of the de-facto complainant died on 25.06.2018 and thereafter, the de-facto complainant was in need of money to meet the financial problems. Knowing the same, under the guise of helping the de-facto complainant, the first petitioner lent a sum of Rs.2,00,000/- after receiving cheques and pronotes from her. He also advised the de-facto complainant to sell the property in Seelapadi to one Krishnamoorthy for a sum of Rs.1.4 crores, which amount was also received by the de-facto complainant. Thereafter in order to sell the property in Vaiyampatti village, the first petitioner advised the de-facto complainant to execute the sale deed in favour of the Petitioners 2 and 3 in order to conduct a civil litigation, which is pending with one of the tenant therein and also promised to pay a sum of Rs.3.5Crores at the time of executing sale deed in favour of Krishnamoorthy. Believing the same, the de-facto complainant also executed sale deed in favour of petitioners 2 and 3. Thereafter, they have cheated the de-facto complainant. When the same was questioned, the petitioners abused the de-facto complainant in filthy language and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have purchased the properties through valid sale deeds. The de-facto complainant and her family members with a *mala fide* intention to sell the property to some other third parties and grabbed the same from the petitioners, have given a false complaint. He would further submit that though the petitioners have appeared in person for registering the documents, they have falsely averred that they have not come before the Registrar's Office. He would further submit that the amounts have been transferred to the account of the de-facto complainant and he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioners have induced the de-facto complainant who is a widow and in the guise of helping her had taken to the Registrar's Officer and knocked down the valuable properties for lesser amount. Further, they have also taken back the amounts, which were in the account of the de-facto complainant and later, they have paid to some other persons. He would submit that the investigation is in the preliminary stage and the custodial interrogation of the petitioner is very much necessary. He would further submit that this is the second application for anticipatory bail and after the dismissal of the earlier application, there is no change of circumstances. Hence, he would object for grant of anticipatory bail.

5.The learned counsel for the intervenor would submit that the accused taking advantage of the gullibility of the de-facto complainant/widow and her young children, had induced her as if they were helping the de-facto complainant, had cheated her to the tune of Rs.3,50,00,000/-. He would further submit that after the dismissal of the earlier application, there is no change of



circumstances. Hence, he vehemently opposed for grant of anticipatory bail.

6. Heard. Perused the materials available on record including the First Information Report and also the report filed by the Deputy Superintendent of Police, Land Grabbing Cell.

7. Taking into consideration the fact that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioners.

8. Accordingly, these Criminal Original Petitions are dismissed.
sd/-

03/03/2023

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/03/2023

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

TO

- 1 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
DISTRICT CRIME BRANCH, TRICHY
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KANNAN.R.R. Advocate SR.No.3455

ORDER

IN

CRL OP (MD). Nos.22705, 22706
and 22707 of 2022

Date :03/03/2023

SS/BUC/SAR IV/16/03/2023/3P/4C