



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/01/2023

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PRESENT

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

CRL OP(MD) . No.22824 of 2022

1.Subbulakshmi
2.Perumal
3.Ramalakshmi

... Petitioners/Accused 2 to 4

Vs

The State rep.by
Inspector of Police,
District Crime Branch,
Madurai.
In Crime No.25 of 2022

... Respondent/Complainant

For Petitioners : Mr.A.Sivasubramanian
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120B, 419, 420, 465, 467, 468 and 471 IPC in Crime No.25 of 2022, on the file of the respondent police, seek anticipatory bail.

2.i) The case of the prosecution as per the defacto complainant by name K.Pandi S/o Kandasamy Reddiar is that the first accused taking advantage that the father's name of the defacto complainant and himself are one and the same had by impersonation executed a settlement deed in favour of the second accused, his mother.

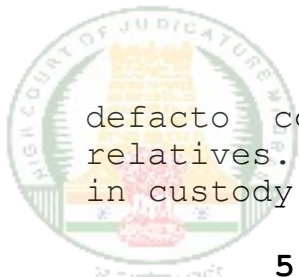


2.ii) According to the prosecution case, the ancestral property of his father is situated at SP Natham in Survey No.189/8A to an extent of 1 acre and 28 cents and the first accused namely Pandikannan suppressing the fact that his father's father is Perumal Reddiar has executed a power of attorney document on 28.08.2009 mentioning that his father's name as Kandasamy Reddiar S/o Subba Reddiar. By virtue of power document, the first accused has executed a sale deed on 30.09.2009 in favour of the first petitioner to an extent of 64 cents in lower portion of the abovesaid property. On 16.10.2010, the first petitioner has executed sale deeds in favour of the first and second accused to an extent of 32 cents each. It is further alleged that though the said Kandasamy Reddiar s/o Perumal Reddiar passed away as early as 2018, a fake life certificate has been created. Subsequently, on 28.07.2021, the first accused has executed sale in favour of his wife third petitioner herein with regard to upper 64 cents and she in turn has executed a sale deed on 27.08.2021 again in favour of the first accused. It is also alleged that the first accused on 08.09.2021 has executed settlement deed in favour of his mother, the first petitioner and she had settled the same by executing settlement deed in favour of her grandsons namely, Venu Gopal and Duraiarasan sons of the second petitioner. Hence, the complaint.

3.i) The learned counsel for the petitioners submitted that the petitioners are none other than the mother, brother and wife of the first accused namely, Pandi Kannan. The property is ancestral property of Knadasamy Reddiar and he had executed power of attorney in favour of the first accused who had executed a sale deed and settlement deed in favour of the petitioners herein. The petitioners have nothing to do with the alleged offence. There are civil litigations pending between the parties. The first accused, his wife 3rd petitioner and his son Venugopal son of the first accused have filed civil suit in O.S.No.253 of 2022 before the Principal District Munsif Court, Thirumangalam with regard to the disputed property on 15.09.2022. The defacto complainant has entered appearance through his counsel on 19.10.2022 and as an after thought the present complaint has been preferred on 14.12.2022.

3.ii) The learned counsel for the petitioners also submits that the first accused was arrested and subsequently, he has been released on bail by the Special Court for Exclusive Trial of Land Grabbing Cases, Madurai in Cr.M.P.No.2125 of 2022. Hence, prays to release the petitioners on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners are the mother, brother and wife of the first accused and the name of the father of the first accused and the defacto complainant are one and the same and the first accused had fabricated the document and encumbered the property belonging to the



defacto complainant by executing sale deed in favour of his relatives. He would further submit that the first accused is still in custody. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Special Judicial Magistrate Court for Exclusive Trial of Land Grabbing Cases, Madurai**, on condition that the petitioners 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 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:

[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 Station everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with the 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]**; and;



[f] if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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02/01/2023

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

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TO

1. The Special Judicial Magistrate Court for
Exclusive Trial of Land Grabbing Cases, Madurai.

2. Do Through The Chief Judicial Magistrate, Madurai.

3. The State rep. by
Inspector of Police,
District Crime Branch,
Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.22824 of 2022
Date : 02/01/2023

TR/BUC/SAR I/09.01.2023/4P/5C