



Crl.O.P.No.4171 of 2024

Crl.O.P.No.4171 of 2024

WEB COPY

C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 467, 468, 471 read with Section 120B IPC in Crime No. 5 of 2024, seek anticipatory bail.

2. It is stated that the first accused has died. The third accused is absconding. The second accused / the first petitioner is the father-in-law of the fourth accused/ the second petitioner. The entire issue surrounds dispute over title of the property at S.No. 430/1 measuring 74 cents and further property at S.No. 430/3 measuring 26 cents in all measuring 1 acre at Madura Melakuppam, Tirunindravur Village in Tiruvallur District. There is no doubt that the original owner of the said property was one Ramachandra Kupta. He died on 02.06.1982. It is stated that he had converted to Islam, and had a wife and three daughters and a son. The son is the defacto complainant herein.



Crl.O.P.No.4171 of 2024

WEB COPY

3. It is further stated that to the disadvantage of his legal heirs, another lady Kalyani, who is the first accused had surfaced and claimed to be the wife/legal heir of the said Ramachandra Kupta and had dealt with the aforementioned property totally measuring 1 acre and had sold the same to the first petitioner herein/second accused.

4. The learned counsel for the petitioners insisted that the second accused is a bona fide purchaser, claiming, that as owner of the adjacent lands and being a resident of the same village for well over 17 years, he had purchased the property from the first accused in the belief that she was the legal heir of the said Ramachandra Kupta. In this connection, the learned counsel produced further documents and I must appreciate the efforts taken to produce all these documents but unfortunately, at this stage of examining the issue of anticipatory bail, they may not be directly relevant.

5. The first document produced is a copy of a Judgment of this Court in W.A.Nos. 905 & 906 of 1998 dated 06.10.2009. The one



Crl.O.P.No.4171 of 2024

relevant portion in that particular Judgment is the observation that the Revenue Divisional Officer and the Commercial Tax Department have recognised that the actual legal heirs of Ramachandra Kupta are his wife Nurjagan, his three daughters and the defacto complainant. The second aspect which also emanates from that particular Judgment is that the first accused Kalyani is not a wife of Ramachandra Kupta. These two facts are established by the documents produced by the petitioners themselves.

6. The next document is that the wife of Ramachandra Kupta, Nurjagan was a Member of Parliament in 1979. I am not able to understand as to how that would be a relevant fact so far as this application seeking anticipatory bail is concerned.

7. It is contended that if she was a Member of Parliament and therefore, a prominent person, the local people should have known about her holdings and should have objected to any claim made by the first accused. For good measure, Kalyani also seems to have be a person of some repute as member of the administration of the local temple.



Crl.O.P.No.4171 of 2024

WEB COPY

8. But, the first petitioner had purchased the property from a person, who has no right, no title and no interest and cannot claim any title. This property was then conveyed to the second accused and later purchased by the fourth accused, who happens to be the daughter-in-law of the second accused.

9. There seems to be creation of documents to recognise the title when unfortunately, the first person who dealt with the property had no title or right over the said land.

10. The learned counsel for the intervenor is also present and he pointed out the death certificate relied on by the petitioners. In this document, Ramachandra Kupta is known by his alternate name R.Mamadi which is said to be Rasag Mamadi.

11. The learned Government Advocate (Crl.Side) stated that the investigation has not yet commenced since the third accused is absconding.



Crl.O.P.No.4171 of 2024

WEB COPY

12. Necessary investigation will have to be done as to how and in what manner the property was sold and what was the modus operandi since the father-in-law first purchased and later the daughter-in-law purchased the same property and also about the flow of money in all these transaction.

13. I am not inclined to grant anticipatory bail to the petitioners. Accordingly, this Petition stands dismissed.

18.03.2024

vsg



WEB COPY



Crl.O.P.No.4171 of 2024

C.V.KARTHIKEYAN, J.

Vsg

Crl.O.P.No.4171 of 2024



WEB COPY



Crl.O.P.No.4171 of 2024

18.03.2024