



Crl. O.P. No.23828 of 2024

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P. DHANABAL.J.,

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The petitioner / 2nd Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 420, 468, 471 and 34 of IPC in connection with the Cr. No.92 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that this petitioner along with A1, in furtherance of common intention, using the invalid Will of 1970 registered at Trichy, had transferred the patta No.109 of the Land in R.S. No.221/1 to an extent of 5 MA 98 Kuzhies situated in Thirunallar which belongs to Sri Thiruloganatha Swamy temple, Thakkalur to Patta No.707 in the name of A1. Later A1 had sold the same to A2 and registered the same in Sub-Registrar Office, Thirunallar. Further A2 had promoted a residential layout in the said land in the name of Subiksha Nagar extension and sold out the same by registering the same at Sub-Registrar Office, Thirunallar, thereby cheated the temple property. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against the petitioner for



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the offences under Sections 420, 468, 471 and 34 of IPC. The case of the

prosecution is that the defacto complainant is one Amurtheeswaranathan

@ SPS nathan had given a complaint on 19.09.2024 stating that the

petitioner and one Nithyanandham had engaged in fraudulent transactions

between themselves followed by the family members of the petitioner and

had usurped the property in R.S. No.221/1, O.S. No.830, Patta No.707

measuring to an extent of 80 Ares 00 centiares (i.e.,) 5 MA 98 Kuzhies

which in fact belongs to one Shri Thiru Loganadhar Swamy Thirukovil at

Thakaloor Village in Thirunallar District by developing the same into a

petrol bunk and certain plots in and around in the name of "Subiksha

Nagar Extension". In fact, the above said complaint is a false one. The

petitioner purchased the property on 08.05.2008 in R.S. No.221/1, O.S.

No.830, Patta No.707 measuring to an extent of 80 Are 00 Centiare i.e., 5

MA 98 Kuzhies from one G. Nithyanandham and the said transaction was

duly registered at the office of the Sub-Registrar, Thirunallr and the

vendor of the petitioner was entitled to the said property by way of a

registered Will executed by one Rajamani Aachi who is none other than

the grandmother of the petitioner's vendor. The said Rajamani Aachi

registered the said Will with the 3rd Joint Deputy Registrar and the same

was bequeathed by her in favour of her brother Gopalakrishnan and after



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his lifetime to his son Nithyanandham, who is the vendor of the petitioner.

The said Rajamani Achi died on 12.06.1982 and her brother Gopalakrishnan died on 25.12.1977. Therefore, the vendor of the petitioner is entitled to the property from the year 1982 and later he transferred the title in favour of the petitioner. The petitioner got the patta in his name and thereafter, he developed the land into plots and sold it to various persons. Therefore, the petitioner has been falsely implicated in this case and he has not committed any offence as alleged in the FIR and hence, the petitioner may be released on anticipatory bail.

4. The learned counsel appearing for the intervenors would submit that the petitioner along with other vendors have created forged documents of the property, originally belongs to one Shri Thiru Loganadhar Swamy Thirukovil at Thakaloor Village in Thirunallar District and they, by influencing the political capacity, purchased the property and thereafter, sold the same to some other persons and also delivered the property to his family members. Therefore, he lodged a complaint and based on the complaint, FIR has been registered and the FIR is a recent one and hence the petition is liable to be dismissed.



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5. The learned Government Advocate (Criminal Side) would submit that originally the disputed property belongs to one Shri Thiru Loganadhar Swamy Thirukovil at Thakaloor Village in Thirunallar District and the petitioner along with other vendors conspired together, created false documents by forgery and sold the property. Even according to the Will executed by the grandmother of the vendor, this property has not been mentioned as one of the schedule properties and this property has been forcibly included in the subsequent Will by creating forged Will, thereby, they included this property and thereafter, he purchased the property after knowing well that the property belongs to the temple. Therefore, the complaint has been lodged and based on the complaint, FIR has been registered and the FIR is a recent one and elaborate investigation is required in this case and hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that investigation is at initial stage and also considering the fact that the allegations are serious in nature, I am declined to grant anticipatory bail to the petitioner at this stage.



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7. Accordingly, the Criminal Original Petition is dismissed.

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29.10.2024
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To

- 1.The Judicial Magistrate No.II, Karaikal.
- 2.The Public Prosecutor, Madras High Court, Chennai.
3. The Inspector of Police, Thirunallar Police Station, Karaikal.

P.DHANABAL,J
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