



CRL MP(MD) No.3441 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.3441 of 2024

IN

CRL OP(MD) No.23640 of 2023

MANGALAM

... PETITIONER/DEFACTO COMPLAINANT

Vs

1 THE INSPECTOR OF POLICE

DCB II POLICE STATION,

TRICHY DISTRICT.

CRIME NO. 38 OF 2023

...RESPONDENT/RESPONDENT

2 K.RAJA

3 K.ANGAMMAL

... RESPONDENT/PETITIONER/
ACCUSED 3 & 4

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to cancel the Anticipatory bail granted to the 2nd and 3rd respondents in Crl O.P (MD) No. 23640 of 2023 dt. 22.01.2024 on the file of this Honble court.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JAYACHANDRAN.S, Advocate for the petitioner and of MR.P.KOTTAICHAMY, Government Advocate(Crl.side) on behalf of the Respondent No.1 and MR.V.R.SHANMUGANATHAN, Advocate for the Respondents 2 & 3, the court made the following order:-



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This petition has been filed to cancel the anticipatory bail granted to the respondents 2 and 3 in CrI.O.P(MD).No.23640 of 2023 dated 22.01.2024.

2. The petitioner is the defacto complainant. He made a compliant before the respondent police stating that he is the owner of the property and without his knowledge, the accused persons, namely, the respondents 2 and 3 herein executed the sale deed in favour of them. Apart from that, taking advantage of the licence granted to them by the Government to the adjacent property, they also quarried minerals in the property in dispute. Therefore, the case in crime No.809 of 2023 has been registered against the respondents 2 and 3 and they have filed anticipatory bail before this Court in CrI.O.P(MD).No.23640 of 2023 and this Court, on 22.01.2024, had granted anticipatory bail to the respondents 2 and 3. While hearing the petition for anticipatory bail, the respondents 2 and 3 have filed an undertaking affidavit stating that they will not alienate/encumber the property in question. However, contrary to the undertaking affidavit, they executed three sale deeds in respect of 11 acres of land. On that sole ground, the present cancellation of anticipatory bail petition has been filed before this Court.



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3. Percontra, the learned counsel for the respondents 2 and 3 fairly submitted that inadvertently three sale deeds were executed by the respondents 2 and 3 that was not disclosed in the undertaking affidavit. However, on instructions, he would submit that without prejudice to their rights and contentions, the respondents 2 and 3 are willing to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) before the learned Judicial Magistrate, Lalgudi, in Crime No.809 of 2023 within a period two weeks from the date of receipt a copy of this order

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

5. In view of the above submission and the undertaking given by the respondents 2 and 3, the respondents 2 and 3 are directed to deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) before the learned Judicial Magistrate, Lalgudi, in Crime No.809 of 2023 within a period two weeks from the date of receipt a copy of this order. In case, if the case ended in favour of the de-facto complainant, the de-facto complainant is entitled for disbursement of the said amount, in which case, the trial court is directed to disburse the said amount to the de-facto complainant under proper acknowledgment.



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6. Liberty is also granted to the petitioner/defacto complainant to workout his remedy before the concerned Civil Court as well as the concerned District Registrar for cancellation of the alleged fraudulent sale deeds executed by the forged power agent as well as the subsequent sale deeds executed in favour of the respondents 2 and 3.

7. In the result, this Criminal Miscellaneous Petition is disposed of.

sd/-
21/03/2024

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/06/2024

Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE,
LALGUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE
DCB II POLICE STATION,
TRICHY DISTRICT.



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

ORDER
IN
CRL MP(MD) No.3441 of 2024
IN
CRL OP(MD) No.23640 of 2023
Date :21/03/2024

RK/JCB (07/06/2024) 5P / 5C

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