



CrI.OP(MD)No.5344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrI.OP(MD)No.5344 of 2024

1.C.Pandi @ Muthukaruppan

2.C.Arumugam

3.Kaliammal

4.Lakshmi

: Petitioners

Vs.

1.State rep.by

The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai.
Crime No.3 of 2024

2.P.C.M.Karthick Solai Malai

: Respondents

PRAYER: Petition filed under Section 438 Cr.P.C seeking anticipatory bail in connection with the case in Crime No.3 of 2024 on the file of the first respondent Police.



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For Petitioners : Mr.B.Muneeswaran

For Respondents: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R.1

Mr.D.Senthil for R.2 / Intervenor

Mr.K.Jeyamohan, Mediator

ORDER

The petitioners, apprehending arrest at the hands of the respondent Police in connection with the case in Crime No.3 of 2024 for the offence u/s. 120(b), 419, 465, 467, 468, 471, 420 IPC, have filed this application seeking anticipatory bail.

2.The prosecution case is that the petitioners along with other accused created forged documents in respect of S.Nos.451, 440; Re.S.Nos.451/1, 440/1A situated in Avaniyapuram Village, Madurai South Taluk and sold the same to third parties. Hence, the case.



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3.Learned Counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The subject properties were given as Maniyam to Asari Community by the British Government and the same was allotted to the ancestors of the accused 1 to 5. Based on a registered family arrangement that was executed among the father of accused 1 to 5 along with his brothers in the year 1918, a share in the properties to an extent of 76.5 Cents was allotted to the petitioners' father, Chokkan Asari. After his demise, the names of the accused 1 to 5 were included in the patta. Based on this patta, they have alienated the properties, in the manner known to law.

4.Learned Additional Public Prosecutor submitted that the accused persons have forged the documents in respect of the properties belonging to the defacto complainant and have alienated the same in favour of some third parties. The investigation is at the initial stage and therefore, he prayed for dismissal.



5.Considering the nature of allegation, this Court referred the matter for Mediation and appointed Mr.Jeyamohan, learned Counsel as Mediator. The learned Mediator has filed a report that the mediation could not be succeeded.

6.This Court considered the rival submissions made on either side and perused the materials placed on record.

7.It appears that the defacto complainant traces his title to the subject property from the year 1921, without any interference and the revenue records have also been mutated upon each conveyance and finally, it is in the name of the defacto complainant. On the other hand, the accused trace their title based on a registered family arrangement of the year 1918. It is not known as to how, in the year 2022, nearly after 104 years, the names of accused 1 to 5 have been entered in the patta proceedings.

8.Be that as it may, it appears that the patta issued by the Tahsildar by including the names of the accused 1 to 5 has been set aside by the Revenue



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Divisional Officer and now, the order passed by the Revenue Divisional Officer is under challenge before the District Revenue Officer.

9.In the interregnum, immediately after including their names in the patta, a release deed was executed by A1, A3 to A5 in favour of A2 on 17.10.2022. Based on this release deed, A2 executed power of attorney in favour of A8 on 14.03.2022 and in favour of A6 on 20.10.2022. Based on this power deed, A6 sold the property to A7, A8 vide a document dated 12.11.2022. These series of conveyances, immediately after the inclusion of names of A1 to A5 in the patta, raise suspicion as to the conduct of the accused persons.

10.Considering the nature of offence, the manner in which the petitioners' names were included in the patta and the manner in which the subsequent conveyances have been effected immediately, this Court is not inclined to grant anticipatory bail to the petitioners, at this stage.



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B.PUGALENDHI, J.

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Accordingly, this criminal original petition stands dismissed.

Internet : Yes
gk

29.04.2024

To

- 1.The Inspector of Police,
Central Crime Branch,
Madurai City, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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