

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,

Vacation Sessions Judge, Theni,

Dated this the 28th day of May 2024

Cr1.M.P.No.158/2024 -In-

Cr1.M.P.No.52/2024

CNR.No.TNTH00-000189-2024

Vellaichamy

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

P.C Patti P.S. in

Cr.No.564/2023

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.T.Ambaashankar, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.438 of Code of Criminal Procedure seeking anticipatory bail.

2. The Nitty-Gritty of the prosecution case is as follows:

The Landed property belonged to one Saraswathi. The said Saraswathi executed a will in favour of her grandson Sivaprasath on 20.11.2013. The fact being so, the petitioner purchased the same property from the daughter of Saraswathi. On the strength of the sale deed the petitioner trespassed into the land and disturbed the possession of the complainant. Therefore the case registered against the petitioner and others U/s.447, 294(b), 468, 471, 506(i) of IPC.

3. Heard both sides.

4. The points for determination is that can the petitioners be released on anticipatory bail ?

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Answer :

5. The FIR and reply given by the police are perused. On perusal of the FIR, it is prima facie shows that the petitioner purchased the landed property from the daughter of one Sarawathi while the unregistered will was in existence. So the petitioner knowing fully well about the true ownership over the landed property, he purchased from the persons who are having no title over the land. Further the prosecution objected that if the petitioner released on bail, he would again made trespass into the land and causing disturbance to the complainant. Taking the above fact into consideration and no change of circumstances made out after dismissing earlier Anticipatory bail application, I am not inclined to release the petitioner on bail. Accordingly the point is answered.

In fine, the Anticipatory bail petition is dismissed.

Pronounced by me in open Court on this the 28th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Theni.