



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

Wednesday, the Seventeenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10866 of 2015

1 SELVAKUMAR

2 PARAMESWARI

... PETITIONER(S) / ACCUSED 2 & 3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
KALAIYAR KOVIL POLICE STATION,
SIVAGANGAI DISTRICT.

CR. NO. 228 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.L.MADHUSUDHANAN Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

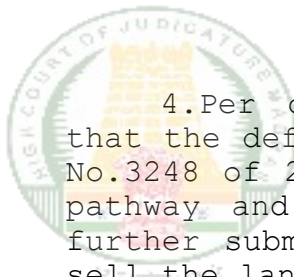
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 and 3 in Crime No.228 of 2015 on the file of the respondent police apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465 & 468 of I.P.C. and hence, seek anticipatory bail.

2.One Mr.Chandrabose lodged a complaint alleging that the first accused had purchased seven acres of land in the year 2006 and thereafter prevented the public from using the pathway in Survey No.217/23 and also encroached the property and he has now sold 10 cents in Survey No.217/23 to the petitioners/accused Nos.2 and 3 and the accused have conspired the petitioner and grabbed the property which has used as play ground by fabricating documents.

3.The learned counsel for the petitioner submitted that as per the revenue records, the property in dispute Originally owned by one Rajendra Chettiar, S/o.Somasundaram and the property was purchased by the first accused through a registered sale deed dated 23.11.2005. He would further submit that the second petitioner/A3 had purchased 10 cents in the Survey No.217/23 from the first accused for a valid sale consideration by a registered sale deed dated 31.12.2012 and thereafter, the second petitioner is paying property tax to the local authority and she has also obtained an electricity service connection. He would also submitted that the petitioners are innocent and they have been falsely implicated in this case.



4.Per contra, the learned Government Advocate (Crl.Side) submitted that the defacto complainant had already filed a writ petition in W.P.(MD) No.3248 of 2013 alleging that the accused have encroached upon the public pathway and he already taken steps to remove the encroachment. It is further submitted that the petitioners by fabricating documents trying to sell the land which was allotted for play ground.

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5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Sivagangai and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 6.00 p.m. for a period of two weeks and thereafter as and when required. The second petitioner shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I, SIVAGANGAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
KALAIYAR KOVIL POLICE STATION, SIVAGANGAI DISTRICT.

+1. CC to M/S.L.MADHUSUDHANAN Advocate SR.No. 31515.

TS/22.06.2015/2P -6C

ORDER
IN
CRL OP(MD) No.10866 of 2015
Date :17/06/2015