



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

Monday, the Twenty Ninth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11757 of 2015

A.ONDIMUTHU

... PETITIONER(S) / ACCUSED
RANK NOT KNOWN

Vs

STATE REP BY:: THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DT. (CRIME NO.23/2013) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who is arrayed as A3, apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 406, 420, 465, 468 and 471 of IPC in Crime No.23 of 2013 on the file of the respondent police, seeks anticipatory bail.

2. The case of the de facto complainant is that the second accused sold the property in dispute to him on 20.02.2009 and after verification, it was found that the accused 1 and 2 have already sold the property on 05.10.1987 and 21.06.1988 and on the date of sale, they have been no right over the property.

3.The learned counsel for the petitioner submitted that Plot No.103-A, Siripi Nagar was sold through registered sale deeds in the year 1987 and 1988. However, due to mistaken identity, the first accused had sold the property to the second accused and in turn the second accused sold the property to the de facto complainant in the year 2009. The learned counsel further submitted that subsequently, A1 and A2 have entered into arrangement with the de facto complainant to compensate the loss sustained by him and the petitioner herein signed only as witness in the document. He further submitted that the petitioner is a senior citizen of 71 years and he is an innocent. It is further submitted that the first accused was granted anticipatory bail in Crl.O.P(MD).No.19466 of 2012 on 20.12.2012.



4. The learned Government Advocate (Crl.side) would submit that the petitioner is aware of the fraud committed by the accused 1 and 2.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Thiruchirapallai and on 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 petitioner shall appear before the respondent police daily at 10.00 am for a period of two weeks and thereafter, as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner 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/-

29/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO. I
TIRUCHY

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHY

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DT.

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.34479

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ORDER IN

CRL OP(MD) No.11757 of 2015

Date :29/06/2015