



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

Thursday, the Ninth day of July Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.11991 of 2015

1 C.JAYAPAL,
2 C.KRISHNASAMY

.. PETITIONER(S) / ACCUSED 1 and 2
Vs

STATE REP BY::

1 THE DEPUTY SUPERINTENDENT OF POLICE,
O/O.THE DEPUTY SUPERINTENDENT OF POLICE, VIRUDHUNAGAR DT.

2 THE SUB INSPECTOR OF POLICE
MAARANERI POLICE STATION, SIVAKASI WEST,
VIRUTHUNAGAR DT. (CRIME NO. 104 OF 2015)

... RESPONDENT(S) / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHI ROY 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 petitioners, who are arrayed as accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 468 of I.P.C., in Crime No.104 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant viz., R.Geetha, the first accused, without having right over the property, had mortgaged the same to the second accused and the third accused had signed as a witness in the mortgage deed.

3. The learned counsel for the petitioners submitted that one Mr.Devaraj, who is the brother of the first accused, is the original owner to an extent of 1.74 acres in Survey No.633/2 of Anayur Village and by a registered sale deed dated 16.11.1987, the first petitioner purchased 15 cents and since then he has been in possession and enjoyment of the same. While so, the de-facto complainant had purchased the entire extent of 1.74 acres by a registered sale deed dated 22.04.1982 from the said Devarajan and thereafter, she sold the property to one Gnanasekaran by a sale deed dated 26.02.1998.

4. The learned counsel for the petitioners further submitted that the de-facto complainant purchased the same property by a sale deed dated 22.11.1999 and that after selling 15 cents to the first petitioner, the said Devarajan had no right to sell the



entire land to the de-facto complainant in the year 1982. The petitioners are innocent and a civil dispute is given a criminal colour to settle the same before the respondent.

5. The learned Government Advocate (Crl.side) submitted that the de-facto complainant is the owner of the entire property and the accused by fabricating documents attempted to grab her property.

6. 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 their arrest or on their appearance before the learned Judicial Magistrate, Sivakasi and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
09/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE SIVAKASI
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SIRIVILLIPUTHUR
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE DEPUTY SUPERINTENDENT OF
POLICE, O/O.THE DEPUTY SUPERINTENDENT OF
POLICE, VIRUDHUNAGAR DT.
- 5 THE SUB INSPECTOR OF POLICE
MAARANERI POLICE STATION, SIVAKASI WEST,
VIRUTHUNAGAR DT.

+1. CC to M/S.T.LAJAPATHI ROY Advocate SR.No.37703

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ORDERIN
CRL OP(MD) No.11991 of 2015
Date :09/07/2015