



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.12844 of 2015

WEB COPY

S. HUSSAIN SAIT,

... PETITIONER / ACCUSED

Vs

STATE REP BY: THE SUB INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION,
OOMATCHIKULAM CIRCLE, MADURAI DISTRICT.
CR.No. 333 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SEENI SULTHAN Advocate

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

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

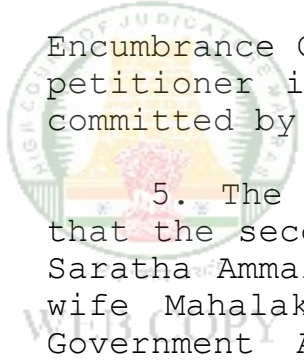
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 406, 420, 468, 471 and 506(i) of the Indian Penal Code in Crime No.333 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the defacto complainant, namely S.Abdul Rahuman, he purchased Plot No.31A in the layout formed in Survey Nos.23/2 and 22/1B, Kathakinaru Village and he has been in possession and enjoyment of the same. While so, the second accused, namely Thulasiram, informed him that Plot No.31A is now changed as Plot No.8 and it was purchased by his wife Mahalakshmi and thereafter, he came to know that the second accused has created a document as if Plot number is 8 and he purchased the same in favour of his wife Mahalakshmi and all the accused conspired together to grab his property by fabricating documents.

3. The learned counsel for the petitioner submitted that the plot in dispute was originally owned by the second accused, namely Thulasiram, and he sold the same along with Plot Nos.30A and 31A by a registered sale deed dated 08.10.1982 in favour of one Saratha Ammal and thereafter, on 21.08.2006, the said Saratha Ammal sold Plot No.31A alone in favour of one Chinna Appaiah.

4. The learned counsel for the petitioner further submitted that the petitioner had purchased Plot No.31A from the said Chinna Appaiah through a sale deed dated 25.07.2007 and in turn, he sold the same to the defacto complainant on 29.09.2008. The learned counsel has produced the typed-set of papers containing all the sale deeds and the



Encumbrance Certificate. The learned counsel further submitted that the petitioner is an innocent and he is nothing to do with the offence committed by the second accused.

5. The learned Government Advocate (Criminal Side) would submit that the second accused, who had already sold Plot No.31A in favour of Saratha Ammal, subsequently created documents as if it is sold to his wife Mahalakshmi and claimed title over the property. The learned Government Advocate (Criminal Side) further submitted that prime accused is A.2.

6. Considering the overtacts attributed against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Madurai 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 as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously. **It is made clear that the second accused shall not take advantage of the order passed in this petition.**

7. 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/-
09/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

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

4 THE SUB INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION,
OOMATCHIKULAM CIRCLE, MADURAI DISTRICT.

1. CC to M/S.M.SEENI SULTHAN Advocate SR.No.37720

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ORDER IN
CRL OP(MD) No.12844 of 2015
Date :09/07/2015