



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

Wednesday, the Fifth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.13285 of 2015

G.MURUGESAN

... PETITIONER/ACCUSED NO.1

VS

THE SUPERINTENDENT OF POLICE
SIVAGANGAI DIST.

THE DEPUTY SUPERINTENDENT OF POLICE,
LAW AND ORDER, SIVAGANGAI DIST.

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI.
CRIME NO.51/2014.

... RESPONDENT / COMPLAINANT

FOR PETITIONER : M/S.S.VENKATESA ADVOCATE

FOR RESPONDENT : MRS.S.PRABHA GOVERNMENT ADVOCATE (CRL.SIDE)

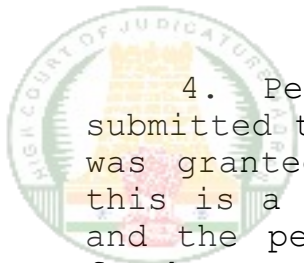
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 offence punishable under Sections 419, 463, 468, 471, 420 and 120(B) of I.P.C., in Crime No.51 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, when the de-facto complainant was alive, the accused have conspired together and obtained a legal heir certificate of the de-facto complainant and by impersonation, A1 and A2 sold the property to A3.

3. The learned counsel for the petitioner submitted that the petitioner is only a witness to the document and the second accused has sold the property to the third accused and the writ petition filed by the de-facto complainant in W.P.(MD).No.4669 of 2015 and the suit filed by the third accused in O.S.No.78 of 2015 are also pending consideration and this application can be considered. It is further submitted that originally the complaint was given to Anti Land Grabbing Cell at Sivaganga and the petitioner was granted anticipatory bail in Crl.O.P.(MD).No.1065 of 2015.



4. Per contra, the learned Government Advocate (Crl.side) submitted that when the petition enquiry was pending, the petitioner was granted anticipatory bail in Crl.O.P.(MD).No.1065 of 2015 and this is a clear case of fabrication of documents and impersonation and the petitioner is not entitled for anticipatory bail. It is further contended that the accused 1 and 2 without having any right over the property of the de-facto complainant, sold the same to the third party.

5. Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
05/08/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SUPERINTENDENT OF POLICE
SIVAGANGAI DIST.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
LAW AND ORDER, SIVAGANGAI DIST.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13285 of 2015
Date :05/08/2015

2P/5C
TE/IV/SAR-I 11/08/2015