



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

Wednesday, the Second day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15685 of 2015

1 P. RAJ
2 N. BALAKRISHNAN
3 THAJABEEVI

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 212 / 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KARALMARK Advocate

For Respondent : M/S.S.PRABHA, 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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 420, 465, 470 and 471 of IPC, in Crime No.212 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, Plot Nos.88 and 89 in Survey No.43/2 at Muneerpalam village was given to him by the Government by issuing free patta and A1 by fabricating documents sold the property to A2 on 30.10.2013 and thereafter, A2 had sold the same to A3 on 16.06.2015.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that the property was assigned by the Government on 28.06.1995 in favour of one Shanthi and Varalakshmi and they sold the property to A1 on 26.06.2006 and based on the registered sale deed, A1 sold the property to the A2 on 30.10.2013 and thereafter, A2 had constructed houses therein and also mutation of the records have also taken place. It is further submitted that the houses were assessed by the local authority and he has also paid house taxes. The learned counsel has produced the copy of the sale deed and the house tax receipts in the form typed set.



4.The learned Government Advocate (Criminal side) for the respondent submitted that the de-facto complainant was given free patta issued by the Government. However, A1 by creating documents sold the property to A2. It is further submitted that the 3rd petitioner is not an accused in this case.

5.Considering the above facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners 1 and 2 with certain conditions. In view of the statement made by the learned Government Advocate (Criminal side) that 3rd petitioner is not an accused in this case, this petition is dismissed as against her.

6.Accordingly, the petitioners 1 and 2 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Tirunelveli 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 petitioners 1 and 2 shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners 1 and 2 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners 1 and 2 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/-
02/09/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.V,TIRUNELVELI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI.
- 3.THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE INSPECTOR OF POLICE
MUNEERPALLAM POLICE STATION,TIRUNELVELI DISTRICT.
- +1. CC to M/S.V.BALAJI Advocate SR.No.51467

ORDER
IN
CRL OP(MD) No.15685 of 2015
Date :02/09/2015

RG.08.09.2015/SK/SKN/SAR-II 2P/6C.