



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.16566 of 2015

RAJU

... PETITIONER / ACCUSED 3

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION,
MADURAI. (CR. NO. 257 / 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MAHENDRAPATHY Advocate

For Respondent : Govt. Advocate (Crl. Side)

For Intervenor : M/S. Porkodi Karnan Advocate for Polax Legal Soulutions

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 the alleged offence punishable under sections 406 and 420 of IPC, in Crime No.257 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, the property to an extent of 4.36 Acres in S.F.No.28/1, 28/2, 88/13 of Thenpalanji Village belongs to his grand father Veeranan Ambalam and the de-facto complainant is the only legal-heir. While so, the accused A1 & A2 by fabricating documents sold the property to A3 in the year 1999 and even after succeeding his case before the competent civil court, the accused are still trying to encumber the property.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner is a *bona fide* purchaser of the disputed property in the year 1999 and the de-facto complainant had instituted a suit in O.S.No.247 of 2000 before the District Munsif Court, Thirumanaglam and the suit was also decreed after contest. Challenging the decree and judgment, the petitioner has filed an appeal before the Sub Court in A.S.No.133 of 2001 and after a lapse of 15 years, the present complaint is filed with an ulterior motive.

4. Per contral, Mrs. Porkodikannan, learned counsel appearing for the intervenor has vehemently opposed the anticipatory bail petition contending that the accused A1 and A2 having have no right over the property, had sold the



property to A3 by forging documents and even now, they attempted to encumber the property. It is further submitted that the de-facto complainant is the only legal heir of the original owner namely Veeranan Ambalam.

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5. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

6. Considering the above facts and circumstances of the case, 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, Thirumangalam and on his 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 condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. 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/-
02/09/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUMANGALAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE, AUSTINPATTI POLICE STATION, MADURAI.

+1. CC to M/S Porkodi Karnan Advocate for Polax Legal Solutions
Advocate SR.No.51088.

TS/08.09.2015/2P - 6C SK-SKN/SAR -I

ORDER
IN
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Date :02/09/2015