



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fifteenth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19009 of 2015

1 K.ARUN GNANARAJ
2 S.KANDASAMY
3 A.SUNDARAMOORTHY

..PETITIONERS/ACCUSED 2 to 4

N.ARUNAGIRISAMY

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
SERNTAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO. 316 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S T.LAJAPATHI ROY Advocate
For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)
For Intervenor : Mr.D.NALLATHAMBI, Advocate

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.2 to 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 294(b), 323 and 506(ii) of I.P.C., in Crime No.316 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant that one Dhanuskodi is the owner of property in Survey No.620/9A to an extent of 1881 sq.ft. along with the building therein and he sold the same to the de-facto complainant by a registered sale deed dated 18.08.2015. When he entered into the property, the accused, by creating documents claimed right over the property and attacked him and also threatened him with dire consequences.

3. The learned counsel for the petitioners submitted that the second accused is the son of the first accused and the first accused purchased the property from the original owner Dhanuskodi by a deed dated 02.06.1995 and thereafter, he put up construction which was also assessed by the local Panchayat and the owner of the property / A1 sold the same to A2 on 27.07.2015. It is further submitted that the third accused is the President of the Panchayat, who has rightly assessed property tax for the building and the fourth accused is the friend of the first accused and he has been falsely roped in this case with an ulterior motive. It is further submitted that the prime accused A1 was arrested and released on bail.

4. The learned counsel for the intervenor submitted that the first accused is the owner of the property in dispute and he sold the property to his own son by a registered sale deed dated 27.07.2015 and further, he claims right through an unregistered sale agreement dated

02.06.1995 which is not valid in the eye of law. It is further submitted that the fourth accused is having one previous case.

5. Heard the learned Government Advocate (Crl.side).

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, Tenkasi, Tirunelveli District 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 2 and 3 shall appear before the Judicial Magistrate, Tenkasi, Tirunelveli District daily at 10.00 a.m. until further orders and the first petitioner shall appear before the respondent police 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/-

15/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE INSPECTOR OF POLICE, SERNATHAMARAM POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S T.LAJAPATHI ROY Advocate SR.No.61617

ORDER IN

CRL OP(MD) No.19009 of 2015

Date :15/10/2015

PBK/DP/SAR-I 27/10/2015 ::2P-6C::