



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

Thursday, the Fifth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1980 of 2015

1 AYYANAR

2 RAJESWARI

3 ARAVINDAN

4 SETHUPATHY @ PANDIAN

... PETITIONER(S) / ACCUSED 1 to 4

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT, IN
CRIME NO.19 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

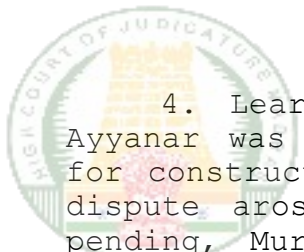
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465, 467 and 506(ii) IPC in Crime No.19 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. This case has been registered pursuant to the direction issued by this Court. The defacto complainant is one Guruvaiah. According to Guruvaiah, the Plot Nos.66 and 67 belonged to one Murugeshwari. It is alleged by Guruvaiah that he wanted to purchase the said plots. Ayyanar / 1st petitioner herein represented to him that he will act as a broker in completing the deal, who subsequently approached one lady and introduced her as Murugeshwari. Guruvaiah entered into a sale agreement with the said Murugeshwari on 08.03.2013. Thereafter, again Guruvaiah entered into another agreement with Ayyanar in which Ayyanar would act as a broker between Murugeshwari and Guruvaiah. Now, it is alleged by Guruvaiah that the said Ayyanar introduced another person called Rajeswari / 2nd petitioner, who had impersonated as Murugeshwari and taken money from him.



4. Learned counsel for the petitioners brought to my notice that Ayyanar was engaged as building contractor by the original Murugeshwari for construction of a house in Plot Nos.66 and 67. In that construction, dispute arose between Ayyanar and Murugeshwari. While the dispute was pending, Murugeshwari had sold the property by Doc.No.4489 of 2014 on 21.08.2014. In the said sale deed, the property is shown as vacant land. Since Murugeshwari did not pay the construction charges to Ayyanar, Ayyanar filed a complaint with the Inspector General of Registration on 18.10.2014, alleging that Murugeshwari has suppressed the existence of building in Plot Nos.66 and 67 and sold the property to Guruvaiah. On the complaint given by Ayyanar, the document was not registered and an enquiry has been initiated by the Inspector General of Registration by proceedings dated 11.12.2014.

5. It is seen that Guruvaiah has completely suppressed the fact that he had purchased the property from Murugeshwari on 21.08.2014 by Doc.No.4489 of 2014. The present complaint has been lodged on 14.11.2014 after registration of the sale deed dated 21.08.2014. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputhur, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners 1, 3 & 4 shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required and the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

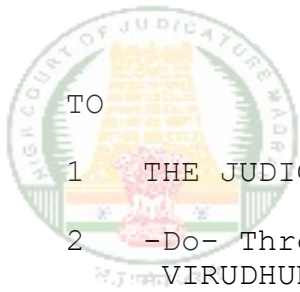
[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
05/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)



TO

1 THE JUDICIAL MAGISTRATE, NO.II, SRIVILLIPUTHUR.

2 -Do- Through THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE
KRISHNANKOVIL POLICE STATION, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.G.MARIMUTHU Advocate SR.No. 5503.

TS/10.02.2015/2P-6C

ORDER

IN

CRL OP(MD) No.1980 of 2015

Date :05/02/2015