



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

Wednesday, the Ninth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.20484 of 2015

KARUPPUSAMY

... PETITIONER/ACCUSED NO.5

Vs

STATE THROUGH ITS
THE INSPECTOR OF POLICE,
KEELAVALAVOO POLICE STATION,
MADURAI DISTRICT.
CRIME NO.408 OF 2015

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S S.MP AMALAN ADVOCATE
FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)
FOR INTERVENOR : MR.M.MAHENDRAN, ADVOCATE

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.5, in Crime No.408 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 506(1) I.P.C. and hence, seeks anticipatory bail.

2. The case of the prosecution is that the land in S.No.363/14C measuring an extent of 33 cents belongs to the grandfather of the defacto complainant. According to the defacto complainant, in the revenue records, the name of one Muthurasu was wrongly entered. After the death of Muthurasu, the legal heirs of said Muthurasu - Accused Nos.1 to 4 sold the property to the petitioner.

3. The case of the petitioner is that he is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is the bonafide purchaser. The petitioner, after verifying all the records purchased the property.

4. The learned Counsel for the intervenor submitted that the property, originally belongs to the grandfather of the defacto complainant and subsequently, at the time of UDR proceedings, the name of one Muthurasu was wrongly entered. He made a representation on 13.05.2008 to the Tahsildar and the District Collector to change the name in the patta. By proceedings dated 15.02.2011 in O.Mu.18018 of 2010, his request was rejected by the District Collector. Challenging that proceedings, the petitioner has filed a writ petition in W.P.(MD)No.4132 of 2011 before this Court and that writ



petition is pending.

5. The learned Government Advocate (Crl.Side) submitted that the land originally belonged to the grandfather of the defacto complainant and at the time of UDR proceedings, the name of one Muthurasu was wrongly entered and the legal heirs of said Muthurasu sold the property to the petitioner and when the same was questioned, the accused persons threatened the defacto complainant. He further submitted that the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the writ petition is pending, challenging the rejection order passed by the District Collector, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Melur, Madurai District 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 daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. 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/-
09/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE ,
MELUR, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KEELAVALAVOO POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.20484 of 2015
Date : 09/12/2015