



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

Monday, the Seventh day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.22686 of 2015

S.ARUL RAJA

... PETITIONER/ ACCUSED NO.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DCB, NAGERCOIL,
KANYAKUMARI DISTRICT
CRIME NO.69 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.V.VAIRAM SANTHOSH Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Cr1. Side)

For Intervenor : MR.G.K.N.PANDIAN, Advocate

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 24.10.2015 for the alleged offences punishable under Sections 468, 469, 471, 420, 120(B) IPC, in Crime No.69 of 2015 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the accused Nos.1 & 2 formed a layout and gifted the pathway to the Panchayat. After that, they sold the pathway to the petitioner/A3 by the sale transaction thereby preventing the ingress and egress to the property of the defacto complainant. Therefore, the case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent purchaser and he has not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioner submitted that after forming the layout by A1 & A2, 12 cents of the lands left out for usage of owners. Out of 12 cents, 7 cents were gifted to the Panchayat for forming pathway. Out of balance 5 cents, 1.04 cents were purchased by the petitioner. The land purchased by the petitioner was not gifted to the Panchayat. The petitioner has filed a civil suit in O.S.No.237 of 2015 on the file of the Principal



Munsif Court, Nagercoil for injunction restraining the Panchayat from interfering with his peaceful possession and enjoyment. The said suit is pending.

5.The learned counsel for the intervenor submitted that the defacto complainant is the adjacent land owner of the A1 & A2. The accused Nos.1 & 2 after forming the layout gifted the land to the Panchayat for forming pathway. In that, this petitioner was attesting witness.

6.The learned Government Advocate (Crl.side) submitted that the accused Nos.1 & 2 have sold the property in question to the petitioner after gifting the same to the panchayat as pathway. The investigation is pending.

7.Considering the contention of the learned counsel for the petitioner that the property purchased by the petitioner is not gifted by the accused Nos.1 & 2 in favour of the Panchayat for forming pathway and the civil suit filed by the petitioner is pending and the petitioner is in judicial custody from 24.10.2015, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail on 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 Judicial Magistrate No.I, Nagercoil and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders.

sd/-

07/12/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1,NAGERCOIL

2 DO THRO'THE CHIEF JUDICIAL MAGISTRATE,KANYAKUMARI AT NAGERCOIL.

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

4 THE INSPECTOR OF POLICE
DCB, NAGERCOIL, KANYAKUMARI DISTRICT

5 THE OFFICERS INCHARGE,DISTRICT PRISON, NAGERCOIL.

+1 CC to M/S G.V.VAIRAM SANTHOSH Advocate SR.No.69717

+1 cc to Mr.G.K.N.PANDIAN, Advocate, SR No.69642

ORDER

IN

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Date :07/12/2015