



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

Monday, the Fourteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23015 of 2015

A.VELAVAN

... PETITIONER / ACCUSED

Vs

1 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO. NOT KNOWN OF 2015

... 1st RESPONDENT/COMPLAINANT.

2 A. RAJENDRAN

... 2nd RESPONDENT/INTERVENER

For Petitioner : MR.T. SELVAN FOR MR.R.JEGADEESWARAN, Advocate
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
For Intervener : MR.V.SASIKUMAR, Advocate

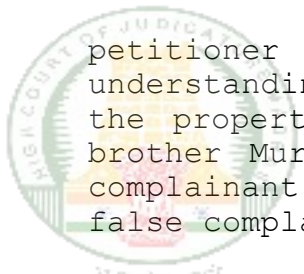
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.not known of 2015 on the file of the first respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and the petitioner are brothers and they purchased 30 cents of lands in S.F.No.34 at Kumaram, Madurai, along with two other brothers from the legal heir of Baluchamy Chettiar. The de-facto complainant constructed a house in his land in the year 2005 and the petitioner took the same on rent for Rs.4,000/- p.m., in the year 2010. The petitioner has paid rent upto January, 2013. Subsequently, he did not pay any rent and got the property tax transferred in his name, by forging the documents. Hence, the de-facto complainant has given the complaint for the offences stated above.

3. The case of the petitioner is that his brother viz., A.Rajendran, the second respondent herein and another brother, viz., A.Murali, purchased the land in S.F.No.34/3C3, with an extent of 10 cents at Kumaram, Madurai District, in the year 2003. The petitioner and his another brother, viz., A.Venugopal purchased 10 cents in S.F.No.34/3C2, which is adjacent to the land, in the year 2004. Thereafter, the petitioner and his another brother viz., A.Murali, have purchased another 10 cents of land in S.F.No.34/8, in the year 2005. The petitioner and his brothers are enjoying the property jointly. The de-facto complainant served a notice on the petitioner to construct a house in a portion of 10 cents standing in the name of the de-facto complainant and Murali with an understanding that 10 cents of land standing in the name of the



petitioner and other brother could be exchanged. On the said understanding, the petitioner put up superstructure in the year 2010 in the property standing in the name of the de-facto complainant and his brother Murali and conducted Housewarming Ceremony also. The de-facto complainant also took part in the Housewarming Ceremony and has given a false complaint with an ulterior motive.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submitted that with the permission of the de-facto complainant and another brother Murali, the petitioner has put up construction with an understanding that 10 cents of land standing in the name of the petitioner and another brother will be exchanged.

5. The learned Government Advocate (Crl. side) submitted that based on the complaint of the de-facto complainant, a case has been registered for the offences punishable under Sections 406 and 420 IPC, in Crime No.461/2015.

6. As per the order of this Court, dated 04.12.2015, both the petitioner and the de-facto complainant are present before this Court, on 09.12.2015 and reported no settlement.

7. Considering the facts and circumstances of the case and the fact that the petitioner and the de-facto complainant are brothers and also the fact that the petitioner has put up construction with an understanding that 10 cents of land standing in the name of the petitioner and another brother will be exchanged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Vadipatti, 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 as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. 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/-
14/12/2015

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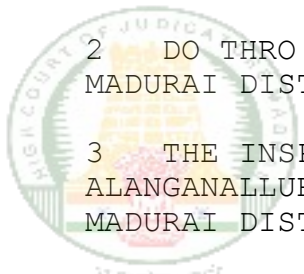
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE

<https://hcservices.mca.gov.in/hcservices/>

MADURAI DISTRICT



2 DO THRO THE CHEIF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to MR.R.JEGADEESWARAN Advocate SR.No.71495.
+1CC to MR.V.SASIKUMAR, Advocate, SR.No. 71541.

ORDER
IN
CRL OP(MD) No.23015 of 2015
Date :14/12/2015

AM/17.12.2015/JGB.DP/SAR-II/3P/8C