



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

Friday, the Eighteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23113 of 2015

1 SAKEELA RANI
2 I.SATHIK BATCHA

... PETITIONERS/ACCUSED Nos.1 and 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
NORTH POLICE STATION, KARAUKUDI,
SIVAGANGAI DISTRICT.
CR. NO. NOT KNOWN OF 2015

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.P.SENKUTTUARASAN, ADVOCATE FOR
M/S S.M. SANJAY, ADVOCATE
FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

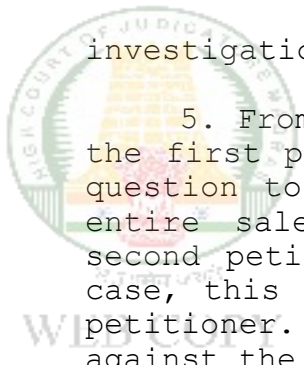
The petitioners, who are arrayed as Accused Nos.1 and 2, in Crime No.838 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 420 and 506(i) I.P.C. and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased a plot No.73 in Survey No.323/2 for a sum of Rs.7,75,000/-. At that time, there was some prohibition for registration of the sale deed in respect of the property purchased by the defacto complainant and others. It was agreed between the first petitioner and the defacto complainant, when the prohibition is lifted, the first petitioner would register the sale deed in favour of the defacto complainant. When the prohibition was lifted, the defacto complainant requested the first petitioner to register the sale deed. The first petitioner promised to execute the sale deed after one week. Subsequently, she evaded the same. The defacto complainant came to know that the first petitioner made arrangement to settle the property to the second petitioner. The defacto complainant informed the second petitioner that he had purchased the property and not to purchase the same. In spite of the same, both the petitioners colluded together and the first petitioner executed the sale deed in favour of the second petitioner.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. After verifying the revenue records, since there was no encumbrance, the

<https://hcmadras.judgesoft.com/cases/>

4. The learned Government Advocate (Crl.side) submitted that the



investigation is pending.

5. From the complaint, it is seen that there was an agreement between the first petitioner and the defacto complainant to sell the property in question to the defacto complainant. The first petitioner received the entire sale consideration and subsequently sold the property to the second petitioner. Considering the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed as against the first petitioner.

6. Insofar as the second petitioner is concerned, this Court is inclined to grant anticipatory bail, with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Karaikudi 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 second petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The second 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/-
18/12/2015

/ TRUE COPY /

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

TO

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

+1. CC to M/S S.M. SANJAY Advocate SR.No. 75815

ORDER
IN
CRL OP(MD) No.23113 of 2015
Date :18/12/2015