



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

Thursday, the Seventeenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP (MD) No.23820 of 2015

1 RAMAR
2 SAKTHIMAYIL
3 CHINNAKARUPPAN
4 MURUGAN

... PETITIONERS/ACCUSED NOS.1 TO 4

Vs

STATE REPRESENTED BY
1 THE INSPECTOR OF POLICE
AVIYUR POLICE STATION, AVIYUR,
VIRUDHUNAGAR DISTRICT,
CRIME NO.192 OF 2015.

...1st RESPONDENT/COMPLAINANT

2 PERIYASAMY

... 2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S T.VADIVELAN 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 :-

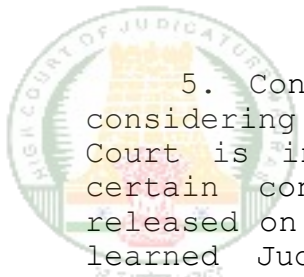
The petitioners, who are arrayed as accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b) and 420 of IPC in Crime No.192 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant has purchased the property from one Gurusamy Thevar, brother of the first petitioner's father, Andithevar. From that day, he is in possession and enjoyment of the property. While so, the petitioners created a forged partition deed and sold to the de facto complainant and obtained patta for larger extent and on this complaint, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that in the year 2007, the petitioners filed O.S.No.11 of 2007 on the file of the learned Subordinate Judge, Aruppukottai, for declaring the sale deed executed by Gurusamy Thevar infavour of the de facto complainant is null and void. It is further submitted that the de facto complainant has also filed O.S.No.22 of 2014 on the file of the District Munsif Court, Aruppukottai for injunction and subsequently, the said suit was dismissed as withdrawn. He further submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

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

4. The learned Government (Crl. Side) submitted that the investigation of the case is pending.



5. Considering the facts and circumstances of the case and also considering the fact that the suit in O.S.No.11 of 2007 is pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-II, Virudhunagar, and on each of them 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 petitioners shall appear before the respondent Police daily at 10.00 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioners 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/-

17/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE-II, VIRUDHUNAGAR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE, AVIYUR POLICE STATION, AVIYUR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S T.VADIVELAN Advocate SR.No.72591

trp
CSL/GSV-AN/SAR-I/22.12.2015/2p/6c

ORDER
IN
CRL OP(MD) No.23820 of 2015
Date :17/12/2015