



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.467 of 2015

MURUGAYEE

[wrongly mentioned as Karupayee]

... PETITIONER / ACCUSED No.7

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.84/2013.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SENTHIL Advocate

For Respondent : MR.C.RAMESH, Government Advocate (Criminal Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 423 I.P.C in Crime No.84 of 2013 on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the defacto complainant that Alagumalai (A.2) and Suriya Narayanan (A.3) are her own brothers and Mallika (A.1) is the wife of late Rajarajam, who is also one of the brother of the defacto complainant. It is alleged by the defacto complainant that her brothers and sister-in-law had sold the joint family property to A.7 in the year 2009, as if the property belongs to them. In this regard, A.6 was arrested by the police and remanded to judicial custody.

3. The petitioner herein appears to be an innocent purchaser of the property from A.1, A.2 & A.3 and on coming to know of this, it appears that the sale deed was even cancelled on 10.09.2013, vide Document No.7435/2013. Under such circumstances, this Court is inclined to grant Anticipatory Bail to the petitioner.

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, on condition that the petitioner shall execute 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 respondent police or the police



officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(4675) AIR SCW 5560]**.

5. In the petition, the name of the petitioner is shown as Murugayee, but, whereas in the F.I.R, the name of the petitioner is shown as Karupayee (A.7). Based on the averments in the complaint, the learned counsel for the petitioner submits that the name of Karupayee has been inadvertently given by the defacto complainant and it only refers to Murugayee.

6. Under such circumstances, I direct the learned Judicial Magistrate No.II, Usilampatti to construe the petitioner Murugayee herein as accused No.7 and accept the bond and sureties.

sd/-

13/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 - 3 THE INSPECTOR OF POLICE, SEDAPATTI POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.SENTHIL, Advocate SR.No.1847.

ORDER IN

CRL OP(MD) No.467 of 2015

Date :13/01/2015