



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

Thursday, the Sixteenth day of April Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6426 of 2015

THIRUMALAIKUMARASAMY ... PETITIONER / 2nd ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 99 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.VENKATESH, Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

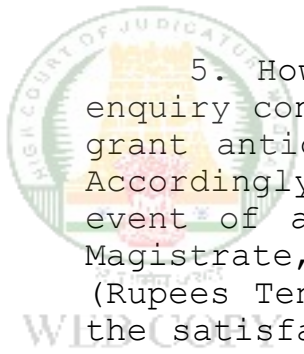
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 466 and 467 of I.P.C., in Crime No.99 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant sold a house property to the first accused on 20.05.2013 and after registration of the document, the accused have included the right of access to the first accused in the sale deed.

3. The learned counsel for the petitioner submitted that on the complaint given by the de-facto complainant, the District Registrar, Tenkasi had conducted enquiry in which the witnesses viz., S.Jesu Dasan and M.Sudar Olivu have categorically stated that the first accused had refused to purchase the property from the de-facto complainant without the right of pathway and therefore, the right of pathway was included before registration of the document. The learned counsel for the petitioner further submitted that the petitioner is an innocent person and he is nothing to do with the alleged allegation.

4. The learned Government Advocate (Crl.side) submitted that the first accused is still absconding and the allegation against the petitioner is that after registration of the document, he helped the first accused to include the right of pathway in the sale deed.



5. However, Considering the statement of the witnesses in the enquiry conducted by the Deputy Registrar, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tenkasi and 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 7.00 p.m. for a period of two weeks and thereafter as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-

16/04/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE, PAVOORCHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH, Advocate SR.No.19787.

ORDER IN
CRL OP(MD) No.6426 of 2015
Date :16/04/2015

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