



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

Wednesday, the Twenty Second day of April Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.7465 of 2015

1 SHEIK MYDEEN,
2 MOHAMMED KALITHA

... PETITIONERS/ACCUSED 5 AND 6

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI,
(CRIME NO.115 OF 2014)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.M.GURURAJ 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 petitioners, who are arrayed as A.5 and a.6 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 294(b) and 506(ii) I.P.C. in Crime No.115 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that there was an agreement between the father of the defacto complainant and A.1 and after the death of the father of the defacto complainant, the first accused suppressing the earlier agreement sold the property to the accused 5 and 6.

3. The learned Counsel for the petitioners submitted that the petitioners are bonafied purchasers and they were not aware of the earlier agreement between A.1 to A.4 and the father of the defacto complainant. It is further submitted that they are innocent purchasers and they have falsely implicated in this case.

4. The learned Counsel further submitted that the agreement entered into between the father of the defacto complainant and the first accused and the power of attorney given by A.1 to A.4 did not reflect in the encumbrance certificate obtained by the petitioners and in the above circumstances, they have purchased the property.



5. The learned Counsel further submitted that even as per the complaint, the accused 1 to 4 have suppressed the earlier agreement and sold the property to the petitioners and there is no allegation made against these petitioners.

6. Heard the learned Government Advocate (Crl.Side).

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7. Considering the facts and circumstances of the case, 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 No.IV, Madurai 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 twice at 10.00a.m. and 05.00p.m. until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. 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.

9. The Commissioner of Police, Madurai City is directed to form a special team to secure the Accused Nos.1 to 4 in this case and file a status report before this Court on 02.06.2015.

sd/-
22/04/2015

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

TO

1.THE JUDICIAL MAGISTRATE NO.IV, MADURAI
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
3.THE COMMISSIONER OF POLICE, MADURAI CITY
4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
5.THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI,
RL/6 C- 28/4/2015

ORDER
IN
CRL OP(MD) No.7465 of 2015
Date :22/04/2015