



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

Tuesday, the Twenty Seventh day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6125 of 2015

1 S. SARASWATHI
2 M.S. SAKKARASAMY
3 B. KAVIRAJAN
4 S. ANTONY FRANCIS ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

State represented by
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI & DT,
CRIME NO.20/2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : 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 accused Nos.3 to 6, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 465, 468, 471 and 420 of I.P.C., in Crime No.20 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

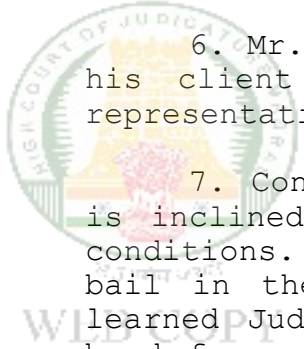
2. The case of the prosecution is that the de-facto complainant had purchased 34 cents in Survey No.63/2 of Mappilaiyurani Village in Tuticorin District by a registered sale deed dated 21.05.1982 and on 04.02.2015, when she applied for encumbrance certificate, it was shown that about 13 cents out of total extent of 34 cents were sold in favour of the first accused on 29.07.2009. The further case of the prosecution is that the accused, by committing impersonation, sold the property with a view to grab the property of the de-facto complainant.

3. The learned counsel for the petitioners submitted that the first petitioner is the bona fide purchaser and she was not aware of the impersonation said to have been committed by the accused 1 and 2 and it is further contended that the petitioners 2 to 4 are witnesses to the document and their names have not been mentioned in the F.I.R.

4. The learned counsel for the petitioners further submitted that after registration of the criminal case, the first petitioner has cancelled the sale deed executed in her favour dated 29.07.2009, by a cancellation deed 24.06.2015. The learned counsel for the petitioners has also produced a copy of the cancellation deed.

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

5. Heard the learned Government Advocate (Crl.side).



6. Mr.Rajiv Rufus, learned counsel for the intervenor submitted that his client purchased 19 cents from the first accused based on the representation of the petitioners 2 and 3.

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 their arrest or on their appearance before the learned Judicial Magistrate No.I, Thoothukudi and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 a.m. for a period of one week and thereafter as and when required. The petitioners shall comply with the condition 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.

sd/-
27/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI & DISTRICT
- 4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc Mr.A.Thiruvadi Kumar, Advocate SR.No.63295

Sm:SKS-RR-SAR II:03.11.2015:2P/6C

ORDER
IN
CRL OP(MD) No.6125 of 2015
Date :27/10/2015