



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

Monday, the Eighteenth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.24249 of 2015

1 KANAGASABAPATHY
2 MAHESWARI

..PETITIONERS/ACCUSED NOS.2 & 3

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO. 461 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioners : M/S T.R.SUBRAMANIAN Advocate
For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.K.KUMARAVEL, Advocate

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.2 & 3, in Crime No.461 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 468, 471 and 506(i) of IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners by creating a bogus documents, grabbed the land measuring to an extent of 3 ½ cents belonging to the defacto complainant as though they have purchased the said land from one M.Karuppu Muthaliar by impersonating the said Karuppu Muthaliar. Hence, on the complaint given by the defacto complainant, the present case has been registered for the offence referred to supra.

3. The case of the petitioners is that they have purchased the land in question from one Karuppu Muthaliar on 12.08.2002 and thereafter, they have sold the same to one P.Krishnammal, D/o.Perumal Chettiar, in the year 2003 and thereafter, various transactions had been taken place with regard to the land in question. Previously, the defacto complainant gave three complaints on the very same facts and the same was enquired into and the same was closed as 'civil in nature'. Again, the defacto complainant has given the present complaint for the very same set of allegations.

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

4. The learned counsel for the intervenor submitted that the father of the defacto complainant is the owner of the property and he



did not execute the sale deed in favour of the petitioners and by impersonating the father of the defacto complainant, the petitioners executed the sale deed by creating forged documents.

5. The learned Government Advocate(Crl. Side) on instructions submitted that the petitioners along with other accused by impersonating the father of the petitioner by creating forged documents grabbed the land belonged to the father of the petitioner. He further submitted that the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners have purchased the land in question in the year 2002 and sold the same in the year 2003 and subsequently, various transaction had been taken place and custodial interrogation of the petitioners is not required, 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.II, 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 first petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders and the second petitioner shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-
18/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION, MADURAI DISTRICT.

+1. CC to M/S T.R.SUBRAMANIAN Advocate SR.No.2738

akm/20.01.2016/ 2p- 6c/MP/PM/SAR-II

ORDER
IN
CRL OP(MD) No.24249 of 2015
Date :18/01/2016