



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10852 of 2016

V.CHELLADURAI

... PETITIONER/ACCUSED

Vs

STATE OF TAMILNADU
REPRESENTED BY THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
THALAIYUTHU,
TIRUNELVELI DISTRICT.
CR.NO. 147 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S N.SUDALAIMUTHU, ADVOCATE
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

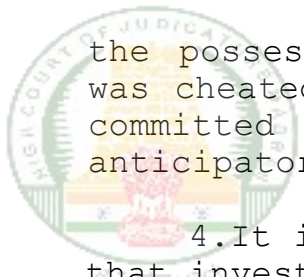
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.147 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is the friend of the defacto complainant, sold the property to the defacto complainant for Rs.4,30,000/- in the year 2008 stating that it is free from Encumbrance. Believing the said representation by the petitioner, the defacto complainant purchased the said property in the year 2008 and subsequently, in the year 2011 he came to know that a suit in O.S.No.232 of 1994 was filed and by the judgment and decree dated 25.03.1998 it was declared that the property belonged to one Avudaiyappa Konar. Suppressing this fact, the petitioner sold the property to the defacto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner purchased the property from one Rajamani Ammal in the year 1997 and he was in possession and enjoyment of the property till 2008. The petitioner purchased only after verifying the Encumbrance. The defacto complainant purchased the property from the petitioner in the year 2008. On the date of execution of sale, the petitioner handed over



the possession to the defacto complainant. The petitioner himself was cheated by his vendor. He is an innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioner.

4.It is submitted by the learned Government Advocate (Crl.Side) that investigation is pending.

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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner purchased the property in the year 1997 from one Rajamani Ammal before the date of decree on 25.03.1998 and the defacto complainant purchased the property from the petitioner in the year 2008 and complaint given in the year 2016, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned 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 Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
05/07/2016

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
THALAIYUTHU POLICE STATION,
THALAIYUTHU,
TIRUNELVELI DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S N.SUDALAIMUTHU Advocate SR.No. 35144

ORDER

IN

CRL OP(MD) No.10852 of 2016

Date :05/07/2016

AM

TE/GSV-PM/SAR-III : 11/07/2016 : 3P/6C