



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11543 of 2016

L.BABY LAKSHMI

... PETITIONER/ACCUSED NO.4

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL UNIT,
TRICHY.

CRIME NO.11 OF 2013

... RESPONDENT/COMPLAINANT

For Petitioner : M/S B.JAMEEL ARASU Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

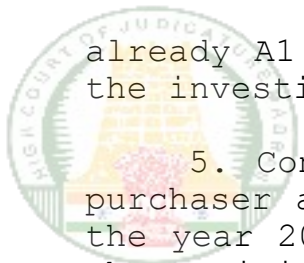
The petitioner, who is arrayed as Accused No.4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 447, 467, 468, 471 r/w. 120 (b) of I.P.C., in Crime No.11 of 2013, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the wife of N.Venkatachalam and her husband purchased the property in question on 12.12.1974 and from the date of purchase, he was in possession and enjoyment of the property. On 13.04.1983, her husband died and after his death, both the plots and other properties were enjoyed by the de-facto complainant and her daughter Giriya and sons Senthilkumar and V.Gunasekaran. While so, A1 claiming to be the wife of husband of the de-facto complainant and filed O.S.No.415 of 1983 before the Sub Court, Trichy. The said suit was dismissed on 10.03.1992 and A.S.No.108 of 1993 filed against the judgment and decree also dismissed. While so, without having any title to the property, they sold the property to A4. On complaint, a case in Crime No.11 of 2013 has been registered for the aforesaid offences.

3. The learned counsel for the petitioner submitted that the petitioner is a *bona fide* purchaser and a false complaint has been given against her and she is no way connected with the disputed property.

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

4. The learned Government Advocate (Crl.side) submitted that



already A1 died and other accused are granted anticipatory bail and the investigation is pending.

5. Considering the fact that the petitioner is the subsequent purchaser and also considering the fact that the crime number is in the year 2013, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is 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.V, Trichy, 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. until further orders.
- (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 petitioners are complying with the conditions or not.

sd/-
25/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 3 THE INSPECTOR OF POLICE, ANTI LAND GRABBING SPECIAL UNIT, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S B.JAMEEL ARASU Advocate SR.No.39820

ORDER
IN
CRL OP(MD) No.11543 of 2016
Date :25/07/2016