



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

Wednesday, the Seventeenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13648 of 2016

SARAVANAN

... PETITIONER/ SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR ,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.11 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.RAMASAMY Advocate
For Respondent : M/S.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 sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420, 294(b) and 506(i) IPC, in Crime No.11 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner without having any title of the property, forged and fabricated the sale deed dated 15.10.2007 in D.No.2062/2007, as though he purchased 81 cents of the land in question from one Mannarsamy @ Ponnu Mannarsamy. The petitioner sold the said property to Kannan, who is the son of the defacto complainant, by executing sale deed in the year 2013. The defacto complainant was cultivating the land on behalf of his son, while so, on 20.11.2015, one M.S.M.S.Kanagavel, S/o.Somasundara Nadar, came to the property in question and informed the defacto complainant that the said land is belonged to him and produced the sale deed executed in his favour. On verification, the defacto complainant found that the petitioner forged the signature of the said Mannarsamy and created a fabricated sale deed in his favour. The signature of the said Mannarsamy in the sale deed, dated 15.10.2007 is entirely different from his signature in the other documents registered in the year 1986 and 1988. The son of the defacto complainant paid a sum of Rs.2,00,000/- to the petitioner, as sale consideration. The petitioner fabricated the sale deed in the year 15.10.2007 by forging the signature of Mannarsamy and sold the property to the son of the defacto complainant, without having



any title and cheated the son of 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 said property from one Mannarsamy @ Ponnu Mannarsamy, by way of sale deed on 15.10.2007 and the same was registered in the Sub-Registrar Office at Virudhunagar, in document No.2062 of 2007 and thereafter he sold the property to the son of the defacto complainant in the year 2013. From the date of purchase the petitioner was in possession and enjoyment of the property. He did not forge the signature of Mannarsamy and did not fabricate any sale deed. At the time of enquiry, the petitioner has produced all the documents before the respondent police. The petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that the petitioner forged the signature of one Mannarsamy and created a fabricated sale deed and without having any title, sold the property in question, to the son of the defacto complainant, in the year 2013. On complaint, case has been registered and investigation is pending.

5.Considering the fact that the petitioner purchased the property in the year 2007, by a registered sale deed bearing document No.2062 of 2007 and sold the property to the son of the defacto complainant in the year 2013, and also considering the fact that the petitioner is claiming the title of the property based on the registered document, custodial interrogation of the petitioner is not required, 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.II, Virudhunagar, 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



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.

WEB COPY

/ TRUE COPY /

sd/-
17/08/2016

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- 4.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR ,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S S.RAMASAMY Advocate SR.No.45167
RL/6C/2P/AAL/MPA/SARI/23/8/2016

ORDER
IN
CRL OP(MD) No.13648 of 2016
Date :17/08/2016