



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.15212 of 2016

PANDI,

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT
(CRIME NO. 515 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.SANTHANAM RAJESH KUMAR Advocate

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

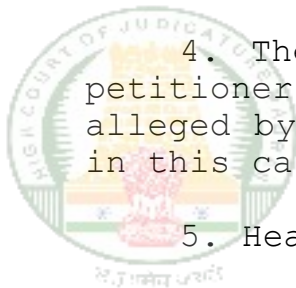
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who arrayed as accused apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 420 of IPC in Crime No.515 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased the property in the year 2014 from the petitioner and subsequently, he came to the know that the property has been taken by the Government. On complaint, a case has been registered for the above said offences. According to the defacto complainant, the petitioner sold the Government land to the petitioner.

3. The case of the petitioner is that the petitioner purchased the property from one Kannathal by the registered sale deed dated 18.01.2010 and from the date of purchase the petitioner was in possession and enjoyment of the property. Subsequently, the petitioner sold the same on 17.02.2014 and handed over the possession to the defacto complainant. The defacto complainant purchased the property after verifying all the documents and encumbrance certificates. The petitioner was not aware of the fact that the property was sold by the said Kannathal in faovur of the petitioner was an assigned land and the petitioner himself created by the said Kannathal.



4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

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

6. Considering the fact that the petitioner purchased the property in the year 2010 and he was in possession and enjoyment of the same and subsequently, he sold the property in the year 2014, custodial interrogation of the petitioner is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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.I, Sivagangai and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 petitioners 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].

7. 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 condition or not.

sd/-
23/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE, SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.B.SANTHANAM RAJESH KUMAR Advocate SR.No.46751

ORDER

IN

CRL OP(MD) No.15212 of 2016

Date :23/08/2016

CSL/PV/SAR-III/02/09/2016 :3P/6C