



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15270 of 2016

1 G.NAZAR,
2 G.POUNDRAJ,

... PETITIONERS / ACCUSED 3 & 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT
CR. NO. 183 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M. MOHAN GANDHI 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 petitioners, who are arrayed as Accused Nos.3 and 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 417 and 420 IPC, in Crime No.183 of 2014, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the property in question originally belongs to the father of the de facto complainant. He settled the property to the de facto complainant in the year 1986, when he was 1½ years old. The property in question was maintained by his mother. On attaining majority, he sold the property in question to one Chellapandian on 30.03.2012. Subsequently, he came to know that the petitioners and other accused persons impersonated the father of de facto complainant and cancelled the settlement deed in the year 1993 and sold the same to A.1, on the same day. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that there is no impersonation and the father of the de facto complainant himself cancelled the gift deed and sold the property to A.1 and from the date of purchase, A.1 is in possession and enjoyment of of the property in question. The de facto complainant filed a writ petitoin in W.P(MD) No.22375 of 2015 praying to quash the cancellation of settlement deed and the same was dismissed by this Court. Again, the de facto complainant filed a petition before the District Registrar, Madurai



challenging the cancellation of settlement deed of the year 1993 and the said petition was also rejected. The transaction took place in the year 1993 and the de facto complainant is trying to give criminal colour to civil dispute. They are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the transaction is of the year 1993 and the dismissal of the writ petition in W.P(MD)No.22375 of 2015 filed by the de facto complainant and the rejection of the petition filed by the de facto complainant before the District Registrar, Madurai, custodial interrogation of the petitioners is not required and therefore this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 petitioners 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]**.

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/-
19/08/2016

/ TRUE COPY /



SMN
TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.S.M. MOHAN GANDHI Advocate SR.No.45877
GJM/PV/SAR-I-23.8.16-3P-6C

ORDER
IN
CRL OP(MD) No.15270 of 2016
Date :19/08/2016