



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

Thursday, the Eighth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.20938 of 2016

1 MUTHUTHANDAVAN

2 VELMURUGAN

..PETITIONERS/ACCUSED 1 & 3

Vs.

STATE REP.BY

1 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
VIRUDHUNAGAR,  
VIRUDHUNAGAR DISTRICT.  
(CR.NO.2 OF 2015)

..1<sup>st</sup> RESPONDENT/COMPLAINANT

2 M.CHANDRASEKARAN,

..2<sup>ND</sup> RESPONDENT/  
DEFACTO COMPLAINANT

For Petitioner :M/S.S.LOGANATHAN Advocate

For Respondent-1 :Mr.P.KANDASAMY, Government Advocate (Crl.Side)

For Respondent-2 :Mr.I.SUTHAKARAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 468, 469, 471 and 420 of IPC., in Crime No.2 of 2015, seek anticipatory bail.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Advocate (crl.side) for R1 and the learned counsel appearing for R2.

3. The counsel for the petitioner contends that the defacto complainant has no *locus standi* to prefer the complaint and to question the transaction entered into between the first petitioner and his vendor, as he is not the victim. He would further submit that the complainant has not chosen to file any civil suit in respect of the right claimed in the disputed property. It is further submitted that the second petitioner is the witness signed in the sale deed and on the basis of the sale deed executed in favour of the petitioner, he executed the other deeds.

4. It is admitted that earlier anticipatory moved by the petitioners was dismissed by this Court, as per the order made in Crl.O.P.(MD)No. 2008 of 2015, dated 11.02.2015. Admittedly, the disputed Sale Deed was executed by the owner of the property, who is the wife of the defacto complainant in this case. The defacto complainant claims that the said property was purchased with the funds of the defacto complainant.



5. Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, on condition that each 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders, for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

08/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
- 2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE ADDL.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.LOGANATHAN Advocate SR.No.80158  
+1cc to M/s.I.Suthakaran, Advocate in SR.80152

ORDER IN  
CRL OP(MD) No.20938 of 2016  
Date : 08/12/2016

PBK/SS-3/SAR-II 15/12/2016 ::2P-7C: