



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

Wednesday, the Twenty First day of December Two Thousand Sixteen

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PRESENT

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

CRL OP(MD) No.23534 of 2016

1 JESU STALIN,

2 ARULSAMY,

3 NIRMALA SAGAYARANI,

...PETITIONERS/ACCUSED Nos.1 to 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.608/2016)

... RESPONDENT / COMPLAINANT

D.JOSEPH

.... PETITIONER/INTERVENER

For Petitioner : M/S.T.LENIN KUMAR Advocate

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

For Intervenor : MR.K.GOKUL, Advocate,

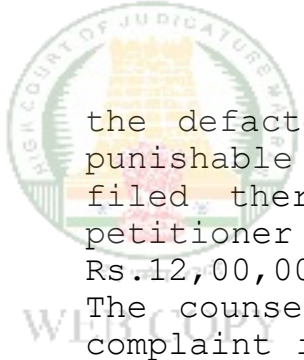
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, in Crime No.608 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471 and 120(b) IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. Side) for the respondent/State.

3.The learned counsel for the petitioner would submit that the disputed property belongs to the defacto complainant and it was agreed to sell for the amount of Rs.12,72,000/- and advance amount of Rs.12,00,000/- was paid to the defacto complainant on 07.01.2015. Since the defacto complainant fails to come forward for execution of sale deed, after receipt of Rs.12,00,000/- as advance, a complaint was given by the first petitioner and case was registered against



the defacto complainant in Crime No.319 of 2016 for the offences punishable under Sections 406 and 420 IPC. The present complaint is filed thereafter by the defacto complainant against the first petitioner and others stating that the advance receipt of Rs.12,00,000/- was forged in the name of the defacto complainant. The counsel for the petitioners further submits that the present complaint is given as a counter-blast to the complaint given by the first petitioner herein and others as stated above. It is further admitted that the first petitioner filed a Writ Petition in W.P(MD) No.2869 of 2016 for Mandamus, which was dismissed by this Court directing the first petitioner to file a suit for specific performance and obtain any interim order before the civil Court.

4.The learned Government Advocate (Crl. Side) on instructions would submit that there are two complaints with regard to the concerned property. One by the first petitioner herein and thereafter, by the present defacto complainant. Investigation in both the cases is still pending.

5.The learned counsel for the Intervenor also reiterated the same.

6.The learned counsel for the petitioners further submits that the date mentioned in the receipt is defamatory.

7.Considering the above facts and circumstances of the case, this Court is 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, Pattukottai and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-
21/12/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE,
PATTUKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.82602
+1CC to M/S.K.Gokul, Advocate, SR.No. 82601.

ORDER

IN

CRL OP(MD) No.23534 of 2016

Date :21/12/2016

AM/CK/SAR-1/22.12.2016/3P/7C