



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

Tuesday, the Nineteenth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.421 of 2016

1 DEEPA
2 THIRUMARAN
3 SUKUMARAN
4 ILAMARAN

... PETITIONERS / ACCUSED NO. 7 TO 10

Vs

THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.
(CR NO.866 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.T.VADIVELAN Advocate

For Respondent : Mr.K.ANBARASAN 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.7 to 10, in Crime No.866 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 406, 420 and 506(i) of IPC and hence, seek anticipatory bail.

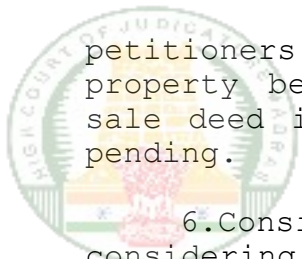
2. The case of the prosecution is that the defacto complainant is the owner of the property in Survey No.254/3 of Therkkur Theru Village measuring to an extent of 9 cents along with other owners. A-1 and A-2 without having any title, by forging the documents, sold the property belonging to the defacto complainant and others in the year 2002 to one Kakkappan and he in turn sold the said property to one pachaimani Yadav in the year 2006. Subsequently, in the year 2013, one Selvam, sold the property to the petitioners.

3. The case of the petitioners is that the petitioners are innocent persons and they are bonafide purchasers and they have not committed any offence as alleged by the prosecution.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have nothing to do with the alleged offence and they have been falsely implicated in this case and they have purchased the property for valuable sale consideration through registered sale deed and all the transactions had taken place during the year 2002 and all the revenue records are also changed in the name of the

<https://hccsecourt.gov.in/hccservices/>

5. The learned Government Advocate(Crl. Side) submitted that the



petitioners and other accused without having valid title sold the property belonging to the defacto complainant and others and executed sale deed in their favour. He further submitted that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that all the transactions had taken place during the year 2002 and the petitioners had purchased the property in the year 2013 through registered sale deed and custodial interrogation of the petitioners is not required, 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, Melur 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 2 to 4 shall appear before the respondent police daily at 10.00 a.m. until further orders and the first petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-
19/01/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MELUR.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. T.VADIVELAN Advocate SR.No.2933

ORDER
IN
CRL OP(MD) No.421 of 2016
Date :19/01/2016

PM