



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.7724 of 2016

1 THIRAVIYAM
2 MURUGAPPAN

... PETITIONERS / ACCUSED No.1 & 2

Vs

STATE : THE INSPECTOR OF POLICE
KUNDRAKUDI POLICE STATION,
SIVAGANGAI,
SIVAGANGAI DISTRICT.
(CRIME NO. 52/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.KANNAN 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 :-

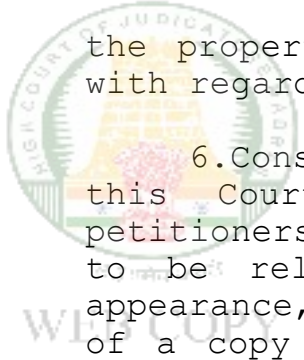
The petitioners, who are arrayed as Accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 468, 420 and 120(b) of IPC, in Crime No.52 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner's father was the original owner of the property and he sold the property to father of the defacto complainant. Suppressing the fact, A1/first petitioner sold the very same property to A2. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the property in survey No.331/3 is originally belonged to 4 persons measuring to an extent of 98 cents. They sold the properties to petitioners on various dates. The first petitioner filed O.S.No.50 of 2016, for declaration of title against the defacto complainant before the Principal District Munsif-cum-Judicial Magistrate, Karaikudi and the same is pending.

4.Heard the learned Government Advocate (Crl.side).

5.The allegation against the petitioners is that the first petitioner created a forged document and sold the properties, which was sold by his father to the defacto complainant. On the contrary, the learned counsel for the petitioners submitted that A1 purchased



the property from the original owner and filed O.S.No.50 of 2016 with regard to title.

6.Considering the above facts and the pendency of the suit, 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, Karaikudi, 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 10.30 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]**.

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 petitioners are complying with the conditions or not.

sd/-
24/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

+1. CC to M/S V.KANNAN Advocate SR.No.33146
AM
CSL/ARK/PV/SAR-II-30.6.16-2P-6C

ORDER
IN
CRL OP(MD) No.7724 of 2016
Date :24/06/2016