



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.955 of 2016

P. ELAYAKARUPPAN

... PETITIONER/ACCUSED NO.3

Vs

STATE THROUGH

THE INSPECTOR OF POLICE

ANTI LAND GRABBING CELL, DINDIGUL

(IN CRIME NUMBER.77/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.PANDI MAHARAJAN Advocate

For Respondent : M/S.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

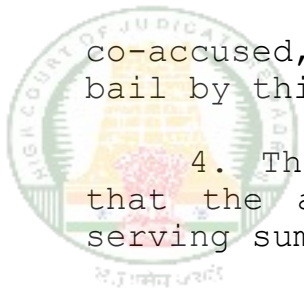
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.3, in Crime No.77 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 419, 420, 465, 468 and 471 of the Indian Penal Code and hence, seeks anticipatory bail.

2. The case of the prosecution is that the disputed property belongs to the defacto complainant and his wife and the defacto complainant was working in kuwait for more than 30 years in Government service. After retirement, they came to India to settle down permanently. They found that accused Nos.1 and 2 created a sale deed, as though they are the owners of the property and A1 sold the property to A2-his wife. A2 has filed a suit in O.S.No.161 of 2014 against the defacto complainant. They in collusion with the petitioner/A3, who is working as a junior bailiff forged the signature of the defacto complainant in the summons as though the summons were served on the defacto complainant on 10.09.2014. On that day, the defacto complainant was in Kuwait. The defacto complainant are taking steps to set aside the decree passed in O.S.No.161 of 2014. On complaint, a case has been registered against the petitioner.

3. The case of the petitioner is that the petitioner is innocent and he served summons only on the correct person mentioned in the address given in the plaint and he is innocent and the



co-accused, who have committed offences, were granted anticipatory bail by this Court in CrI.O.P(MD)No.24806 of 2015.

4. The learned Government Advocate (Criminal Side) submitted that the allegation made against the petitioner is that without serving summons, he made an endorsement to that effect.

5. Considering the fact that the allegation is evidenced by the document and co-accused were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Special Land Grabbing Court, Judicial Magistrate Level, Madurai and on his 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 Special Land Grabbing Court, Judicial Magistrate Level, Madurai and on further condition that the petitioner shall appear before the respondent police daily at 05.30 p.m., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner 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/-
27/01/2016

/ TRUE COPY /

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

TO

1. THE SPECIAL LAND GRABBING COURT
(JUDICIAL MAGISTRATE LEVEL), MADURAI
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
 3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 4. THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL, DINDIGUL
- +1. CC to M/S.R.PANDI MAHARAJAN Advocate SR.No.5629
RL/6C/AAL/MPA/ARII/2/2/2016

ORDER
IN
CRL OP(MD) No.955 of 2016
Date : 27/01/2016