



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

Thursday, the Twenty First day of July Two Thousand Sixteen

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PRESENT

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

CRL OP(MD) No.12347 of 2016

1 MEENATCHI @ MEENA
2 BALAMURALI KRISHNAN
3 VINAYAGA MURTHY
4 RAMASAMY
5 VIJAYASARATHY

... PETITIONERS/ACCUSED No.1 to 4 & 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
DINDIGUL DISTRICT
CRIME NO.16 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S C.VAKEESWARAN 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 to 4 and 6, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 406, 420, 465, 468, 471, 506(i) and 120(b) IPC, in Crime No.16 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 entered into an agreement of sale with the de facto complainant for purchasing land to an extent of 1 acre 94 cents at the rate of Rs.9,000/- per cent and received a sum of Rs.50,000/- as advance and time limit to execute the sale deed is 3 months. However, the 1st petitioner executed a settlement deed in favour of her children / petitioners 2 to 4. Therefore, the de facto complainant filed a suit in O.S.No.21 of 2013 before the Principal District Court, Dindigul, for specific performance of the agreement of sale and the same is pending. Subsequently, the petitioners preferred a



complaint against the de facto complainant and the same was registered in Crime No.79 of 2013 and later, it was closed as action dropped. Whiles, the petitioners 1 to 4 sold the property to 5th petitioner on 27.08.2015. On a complaint, a case has been registered.

3.The case of the petitioners is that the alleged sale agreement is a fabricated one and 1st petitioner did not enter any agreement of sale with the de facto complainant. The 1st petitioner gave a complaint against the de facto complainant, which was registered in Crime No.79 of 2013 and subsequently, the said case was closed as action dropped. Pending suit, in order to grab the property of the petitioners, the de facto complainant has given the present false complaint, giving criminal colour to the civil dispute.

4.The learned Government Advocate (CrI.side) has submitted that the de facto complainant has filed the suit in O.S.No.21 of 2013 for specific performance and the same is pending. Pending suit, the petitioners 1 to 4 along with the 4th accused sold the property to the 5th petitioner and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the de facto complainant has filed the suit in O.S.No.21 of 2013 for specific performance of agreement of sale and pending suit any transaction is hit by principles of lis pendens, custodial interrogation of the petitioners is not necessary, 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 No.II, Dindigul, 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 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.



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6.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/-
21/07/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.

+1. CC to M/S C.VAKEESWARAN Advocate SR.No.38523

nbg

JM/GSV-PM/SAR-III/26.07.2016/3P-6C

ORDER
IN
CRL OP(MD) No.12347 of 2016
Date :21/07/2016