



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

Monday, the Eleventh day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.14394 of 2017

KADAR MASTHAN

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO. 243/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.KRISHNAN 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 petitioner/A1, apprehends arrest at the hands of the respondent police for the offences punishable under Section 465, 468, 471, 420 IPC, in Crime No.243 of 2014, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the property, based on the partition suit. Thereafter, the defacto complainant purchased the property belongs to the petitioner from the coparcener . There was a dispute regarding to the boundaries, thereby, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The petitioner and the defacto complainant are the coparcener. The defacto complainant purchased the property from the petitioner/coparcener. After lapse of six years, he filed a complaint before the respondent police as if the petitioner sold the defacto complainant's property without mentioning the boundaries. Even the defacto complainant has agreed the sale deed executed by the petitioner and remedy is open to the civil forum and not before the Law Enforcing Agency.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that there was a boundary dispute, thereby, the defacto complainant gave a complaint before the respondent police.

5.Considering the facts and circumstances of the case, since the nature of the complaint relates to civil dispute the remedy is available before the Civil Court, I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner shall report before the investigation officer, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not commit any offence while on bail;

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-

11/12/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE, TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER

IN

CRL OP(MD) No.14394 of 2017

Date :11/12/2017