



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17162 of 2017

1 LINGAPUSHPAM

2 SANKAR

... PETITIONERS/ACCUSED No.3 & 4

Vs

THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT,
CRIME NO.364/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.M.PRABU Advocate

For Respondent : MR.M.MURUGAN 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.3 & 4, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 380, 406 & 420 of IPC and Section 4 of Tamilnadu Prohibition of charging Exorbitant Interest Act, in Crime No.364 of 2016, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that initially the petitioner's property belonged to defacto complainant's husband. On 22.04.2010 the defacto complainant's husband executed a settlement deed in favour of his son. Thereafter the defacto complainant and her son borrowed a sum of Rs.2,00,000/- from the petitioner. However he repaid Rs.4,00,000/-. Despite the petitioner cheat the defacto complainant he forced his son to execute a sale deed in favour of him. Accordingly, the sale deed was executed in favour of the petitioner on 07.05.2010. After the purchase of the property the petitioner and other persons entered into the defacto complainant's house and committed a theft of house hold articles. Accordingly, he lodged a complaint on 22.11.2017 after lapse of 7 years.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The petitioner has purchased the property for a valuable sale consideration from the defacto complainant's son.



After 7 years, in order to grab the property taking advantage of the Tirunelveli Incident, the defacto complainant has lodged a false complaint.

4. The learned Government Advocate (Criminal side) appearing for the State would submit that since the defacto complainant not given proper explanation for the delay of 7 years before the respondent police, the complaint was unwarranted, the case was registered by the Superintendent of Police.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), that the complaint was lodged after the delay of 7 years, I am 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivaikundam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 appear before the respondent police as and when required for interrogation;

(ii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners shall not commit any offence while on bail;

(vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

13/12/2017

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
SRIVAİKUNDAM

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE,
SRIVAİKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.PRABU Advocate SR.No.36137

ORDER
IN
CRL OP (MD) No.17162 of 2017
Date :13/12/2017

SMA/CM/SAR-4/14.12.2017:3P/6c