



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

Thursday, the Sixteenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) Nos.1260 and 1693 of 2017

VANNIYA PERUMAL

... PETITIONER / SOLE ACCUSED
IN CRL.OP(MD).NO.1260/2017

1.BASKARAN

2.PERIYASAMY

...PETITIONERS/ACCUSED NO.2 & 3
IN CRL.OP(MD).NO.1693/2017

Vs

The State rep.by its,

THE INSPECTOR OF POLICE

SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI DISTRICT

(CRIME NO. 27/2017)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.M.S.JEYAKARTHIK Advocate
in both the petitions

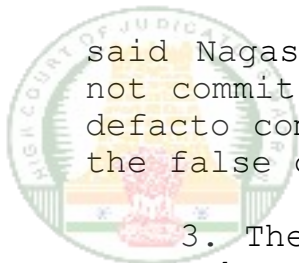
For Respondent : Mr.P.Kandasamy, Govt. Advocate (Crl. Side)
in both the petitions

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.1260 of 2017 is arrayed as A1 and the petitioners in Crl.O.P(MD)No.1693 of 2017 are arrayed as A2 and A3 respectively, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 420 of IPC., in Crime No.27 of 2017, seek anticipatory bail.

2. The learned counsel appearing for the petitioners states that the sale deed in favour of A1 was executed only in respect of Survey No.78/1f., to an extent of 0.91 Acres and A1 is not claiming any right over the Survey No.83/1C, as stated in the complaint. Patta was given to A1 wrongly including the Survey No.83/1C. A1 has also given a petition to the revenue officials for deleting the said Survey No.83/1C from the patta stands in the name of A1 and the said proceedings are still pending. He would further submit that A1 is the owner of Sy.No.78/1f, 91 cents alone and he has not claiming any right in Survey No.83/1C, for which the patta stands in the name of



said Nagasamy. He would further contend that the petitioners did not commit any offence, as alleged by the respondent Police and the defacto complainant, in order to incriminate the petitioners, lodged the false complaint.

3. The learned Government Advocate (crl.side) appearing for the respondent states that there are totally three accused in this case, who are the petitioners herein. There is a dispute in respect of the property bearing Survey No.83/1C, which belongs to the complainant's ancestors and patta also stands in the name of Nagasamy, forefather of the petitioners herein and the accused persons illegally changed the patta in favour of the first accused name and A2 and A3 are the attesting witnesses in the sale deed executed in favour of A1 on 27.01.2011, but the patta was issued including the Survey No.83/1C.

4. Considering the above facts and circumstances of the case and also considering the fact that A1 is not claiming any absolute right in respect of the disputed property in Survey No.83/1C, which stands in the name of Nagasamy, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Sivagangai, on condition that each 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders, for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
16/02/2017

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION, SIVAGANGAI DISTRICT

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

+2. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.8773,8774

SM:SV-MMS:SAR 2:20.02.2017:2p/7c

ORDER

IN

CRL OP(MD) NoS.1260 & 1693 of 2017

Date :16/02/2017