



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

Tuesday, the Twenty Eighth day of August Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP (MD) No.15220 of 2018

C.MARAN

... PETITIONER/ACCUSED No.3

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI DISTRICT.
CRIME NO.9 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.SURESH, Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 420, 465, 468 & 471 of IPC, in Crime No.9 of 2016, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased the property from the legal heirs of one Pappathiammal. Again the defacto complainant applied for patta, he came to know that the said property already purchased by the petitioner through power agent and also obtained patta in their favour. In this regard, the defacto complainant lodged a complaint before the District Registrar to cancel the sale deed, executed in favour of the petitioner, in which the District Registrar found that all the documents forged one and lodged a complaint before the respondent.

3.The learned counsel for the petitioner would submit that the petitioner purchased the said property on 20.12.2007, registered as document Nos. 4657/2007 and 4659/2007 from the said Pappathiammal, through her power agent one Mr.R.Saravanan. The said power agent also registered as document no.2962 of 2007, in the office of Sub-



Registrar Aranthangi. Thereafter, the defacto complainant purchased the same property from the legal heirs of the said Pappathiammal in the year 2015. Therefore, the petitioner is an innocent purchaser and he did not committed any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor for the respondent submitted that after verification, the District Registrar lodged a complaint before the respondent, alleging that all the documents have been forged by the all the accused persons. Therefore, he vehemently opposed grant anticipatory bail to the petitioner.

5. It is seen that the petitioner purchased the property through power of attorney of the said Pappathiammal on 20.12.2007 and it was registered as document No.4659 of 2007, the Sub-Registrar Office, Aranthangi. The power agent also registered as document No.2962 of 2007. The defacto complainant purchased the same property in the year 2015 from the legal heirs of the said Pappathiammal. The said Pappathiammal died on 05.01.2008, at the time of purchasing the said property by the petitioner, the said Pappathiammal was very much alive. The petitioner is an innocent and bonafied purchaser of the property.

6. Considering the facts and circumstances of the case, 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 learned Judicial Magistrate, Alangudi, Pudukottai District 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. 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 shall stand dismissed.

sd/-
28/08/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, PUDUKKOTTAI DISTRICT.

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

+1. CC to MR.M.SURESH Advocate SR.No.16339

ORDER
IN
CRL OP(MD) No.15220 of 2018
Date :28/08/2018

PK/JC/SAR-2/31.08.2018 : 3P/6C