



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

Thursday, the Eleventh day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP(MD) No.17086 of 2018

1 CHITHIRAVELU

2 BANUMATHI

... PETITIONERS / ACCUSED NOS.4 & 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
APPANTHIRUPPATHI POLICE STATION,
MADURAI DISTRICT.
(CR NO.163 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR 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 petitioners/A4 and A5 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 420, 419, 468, 471 and 506(i) of I.P.C. in Crime No.163 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the accused persons viz., A1,2,3 and 6 approached the defacto complainant and mortgaged the property to the tune of Rs.5 lakhs by submitting original sale deed. Further, the defacto complainant found that the property, which was mortgaged by A1,2,3 and 6 belongs to some other persons and their Aadhar cards were impersonated by A1 and mortgaged the property. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are arraigned as A4 and A5 and in fact, they are the original owners of the land. The second petitioner herein was impersonated by A1 and mortgaged their property with the defacto complainant and received a sum of Rs.5 lakhs. In fact, the first petitioner herein filed a complaint before the Jurisdictional



Magistrate seeking direction under Section 156(3) of Cr.P.C., to register a complaint. Unfortunately, the petitioners have been implicated as accused in this case.

4. The learned Additional Public Prosecutor would submit that the petitioners altogether conspired and connivance with each other, cheated the defacto complainant and therefore, he vehemently opposed the grant of anticipatory bail.

5. It is seen from the records that the property is originally belonged to the petitioners herein and A1 impersonated the second petitioner herein and along with the other accused persons, he mortgaged the property to the tune of Rs.5 lakhs with the defacto complainant. In fact, the first petitioner herein filed a petition under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate concerned seeking direction to register a complaint as against the other accused persons.

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 petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Madurai and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
11/10/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 -DO- THROUGH THE CHIEF

<https://hcservices.ecourts.gov.in/hcservices/>
JUDICIAL MAGISTRATE, MADURAI.



3 THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.19711

JM/RR/SAR 1/15.10.2018/3P/6C