



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

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.5705 of 2019

MUTHU KRISHNAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.4/2019

... RESPONDENT / COMPLAINANT

D.SUDALAI

... PETITIONER/DEFACTO - COMPLAINANT

For Petitioner : MR.M.MAHARAJA Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

For Intervener : MR.P.BHASKAR, Advocate

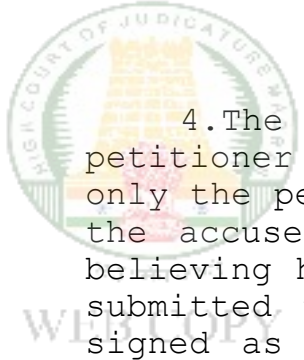
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 470, 464, 468, 418 of IPC r/w Section 120 (B) of IPC in Crime No.04 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that he has purchased the property of one Murugan through his power agent Shanmugam Sathish and subsequently, the petitioner herein has sold the property to A2. From A2 the defacto complainant has purchased the property. He further submitted that the petitioner herein has not at all induced the defacto complainant to purchase the property. Further the petitioner herein has not received any amount from the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned counsel for the intervener has submitted that the petitioner herein and the Accused No.2 are close friends and it is only the petitioner herein who informed the defacto complainant that the accused No.2 is having valid title over the property and on believing his words, he purchased the property from A2. He further submitted that in the said sale deed, the petitioner herein also signed as attestor and therefore he also committed offence. He further submitted that subsequently the defacto complainant came to know that one shanmugam is having title over the property and therefore he strongly opposed this petition.

4. The learned Government Advocate appearing for the state has adopted arguments made by the learned counsel for the petitioner and also the learned counsel for the intervener/ defacto complainant.

5. It appears that the petitioner herein has not directly sold the property to the defacto complainant and that the petitioner herein has sold the property to A2, from A2, the defacto complainant has purchased the property. Further, the defacto complainant has not verified the encumbrance certificate before purchasing the property. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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 Judicial Magistrate Special Court for Land Grabbing Cases, Tirunelveli, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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 as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/06/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.MAHARAJA Advocate SR.No.10521
+1. C.C. to M/S.P.BHASKAR Advocate SR.No. 10460

ORDER
IN
CRL OP(MD) No.5705 of 2019
Date :25/06/2019

JM/VR/SAR 3/08.07.2019/3P/7C