



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22323 of 2018

GEETHA

... PETITIONER /4th ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
NAGERCOIL. KANYAKUMARI DISTRICT.
(CR.NO.32/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.L.VICTORIA GOWRI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

For Intervener : MR.V.M.JEGADEESH PANDIAN, 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 alleged offences punishable under Sections 406 and 420 of IPC in Cr.No.32 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a purchaser of three cents of land in South Aralvoimozhy Village, Thoivalai Taluk, Kanyakumari District. The property belongs to one Vinothini. The defacto complainant is doing real estate business. A1 is partner in the real estate business, A2 is the friend of the defacto complainant and the first accused and the A3 is the wife of the second accused and the fourth accused is a tenant under Vinothini. Originally, the petitioner was running a lathe for a past 15 years. The said Vinothini has executed a Power of Attorney in favour of third accused who is the wife of the second accused. In the meanwhile, the accused persons 1 to 3 had joined together and created a fraudulent sale deed in favour of the first accused and registered the sale deed. Hence the petitioner has filed a suit in O.S.No.38 of 2015 on the file of the Munsif Court, Boothapandi against the defacto complainant and the original owners have sought for prohibitory orders not to evict them. Thereafter A3 was given power by Vinothini who is the owner of the land and based on the



power of attorney, the petitioner had purchased the land on 12.01.2017 and the petitioner was in continuous possession and enjoyment of the property initially as tenant and subsequently as owner. Coming to know about that the defacto complainant has filed a civil suit in O.S.No.124 of 2018 before the District Court, Nagercoil to set aside the sale deed executed in favour of A1, who is said to have purchased from A3. It is now contended that the life certificate issued along with the power based on which A3 has executed sale deed in favour of the petitioner/A1. However the registration department has not accepted the sale deed executed by A3 to A1, since A1 is only a subsequent purchaser from A3.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. Taking into consideration the facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Nagercoil 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/01/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO I
NAGERCOIL, KANIYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.

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

+1. CC to MR.L.VICTORIA GOWRI Advocate SR.No.68

+1. CC to MR.V.M.JEGADEESH PANDIAN, Advocate SR.No.169

ORDER

IN

CRL OP (MD) No.22323 of 2018

Date :03/01/2019

MSI/JC/SAR-I/09.01.2019-3P/7C