



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/01/2020

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.605 of 2020

R.Murugan @ Ellis Nagar Murugan ... Petitioner/Accused No.1

Vs

State Rep.by

The Inspector of Police (Law and Order),

C3, S.S.Colony Police Station,

Madurai District.

(Crime No.35/2020)

... Respondent/Complainant

For Petitioner : M/s. J.Jeyakumaran,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.B.Chandra Mohan, Advocate

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

PRAYER :-

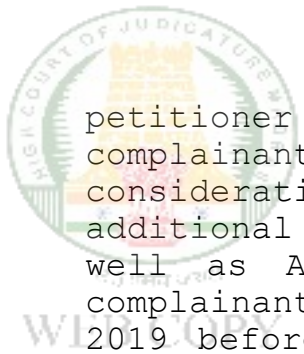
For Anticipatory Bail in Crime No. 35/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 420 and 468 r/w 294(b), 506(i) of I.P.C., in Crime No.35 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The learned counsel appearing for the intervenor strongly opposed the grant of relief to the petitioner. He pointed out that the property in question belongs to the second accused. The



petitioner herein executed a sale deed in favour of the defacto complainant. But even thereafter, after receiving the entire sale consideration of Rs.99,00,000/-, the petitioner is demanding an additional payment from the defacto complainant. The petitioner as well as A2 are also disturbing the possession of the defacto complainant. Therefore, the defacto complainant filed O.S.No.311 of 2019 before the District Munsif Court, Madurai Town and has also asked for injunction. It appears that injunction was granted in favour of the defacto complainant. His further contention is that at the instance of the petitioner, A4 had caused encumbrance on the property in question.

4. The petitioner clearly states that neither the petitioner nor A2 are parties to the said document, whereby, encumbrance was subsequently created on the property of the defacto complainant.

5. The petitioner also gives a solemn undertaking that they will totally keep off from the property which has been sold to the defacto complainant. The petitioner states that the entire sale consideration has already been paid and received by him in his capacity as power agent of A2 and that, therefore, there is no further demand on the defacto complainant in this regard.

6. Recording the undertaking of the petitioner given through his counsel, anticipatory bail is granted.

7. 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.V, Madurai, 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.

8. 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/-
21/01/2020

/ TRUE COPY /

/ /2020
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 JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE (LAW AND ORDER),
C3, S.S.COLONY POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-1012[I] dated 21/01/2020)

ORDER

IN

CRL OP(MD) No.605 of 2020

Date :21/01/2020

MS/VR/SAR-2/24.01.2020/2P.6C