



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2020

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PRESENT

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

CRL OP(MD) . No.2942 of 2020

M.Prabaharan

... Petitioner/Accused No.5

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Madurai
Cr No.9/2020.

... Respondent/Complainant

M.Nachchiappan

... Petitioner/Defacto Complainant
in Crl.MP (MD) No.1736/2020
in Crl.OP (MD) No.2942/2020

For Petitioner : M/s.S.Balasubramanian,
Advocate.

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

For Intervener : Mr.S.Lakshmanasamy, Advocate

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

PRAYER :-

for Anticipatory bail in Crime No.9 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner 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 under sections 120(b), 463, 465,
467, 468, 471 and 420 of I.P.C., in Crime No.9 of 2020 on the file
of the respondent police, seeks anticipatory bail.



3. The case of the prosecution is that the property that belongs to the defacto complainant was in the occupation of one Ponnalagu Servai under the leave and license of the defacto complainant. His specific case is that A1 had conspired with other co-accused and created documents so as to encumber the property in question. In this regard a civil suit is also pending. The specific case of the defacto complainant is that the document executed by the defacto complainant in the year 1969 is a forged one.

4. The petitioner's counsel states that the petitioner is only a bonafide purchaser for value.

5. The petitioner has to demonstrate his bonafides only by making available the original sale deed dated 24.07.1969, Document No.1185 of 1969 on the file the Joint Sub Registrar No.1, Madurai North, Madurai.

6. The petitioner's counsel on instructions gives an undertaking that he will not alienate or further encumber the property in question till the disposal of the civil proceedings between the parties.

7. Since the petitioner agrees to abide by these twin undertakings, I am inclined to grant relief.

8. The petitioner's counsel states that the jurisdictional Sub Registrar will have to make available the ledger so as to investigate the allegation of forgery.

9. The learned Government Advocate (Crl. Side) states that even though the investigating officer sent requisition on two occasions, the Joint Sub Registrar No.1, Madurai North, Madurai is not cooperating. This Court will have to view it seriously. The Joint Sub Registrar No.1, Madurai North, Madurai is directed to extend his fullest cooperation by making available the necessary records. If he fails to do so, this Court may have to initiate contempt action against him.

10. With these directions, I am 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 Special Land Grabbing Court, 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



11. 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.

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24/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SPECIAL LAND GRABBING COURT, MADURAI.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE JOINT SUB REGISTRAR No.1,
MADURAI NORTH, MADURAI.

+1 CC to Mr.S.LAKSHMANASAMY , Advocate (SR-3875[I] dated 24/02/2020)

ORDER
IN
CRL OP(MD) No.2942 of 2020
Date :24/02/2020

IAS
TE/JC/SAR-IV : 03/03/2020 : 3P/6C