



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

Date : 05/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . Nos.7880 & 7895 of 2020

Sundaramahaligam ... Petitioner/Accused NO-2 in
Crl.OP(MD) No.7880 of 2020

Muruganantham ... Petitioner/Accused NO.4 in
Crl.OP(MD) No.7895 of 2020

Vs

State rep.by
The Inspector of Police,
Central Crime Branch (ALGSC),
Madurai City, Madurai.
(Crime No. 41 of 2020).

... Respondent/Complainant
in both Crl.OPs.

In both Crl.OPs.

For Petitioner : M/s.R.Gandhi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- For an Anticipatory bail in Crime No. 41 of 2020 on
the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners who are arrayed as A-2 & A-4 apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 419, 420, 463, 465, 468, 471 & 120B of
I.P.C., in Crime No.41 of 2020 on the file of the respondent police,
seek anticipatory bail.

2. The case of the prosecution is that A-1 is original owner of
the property and the same was sold in favour of the defacto
complainant on 14.03.2013 and thereafter, the same was again sold in
favour of A-2 on 25.05.2013 and then, A-1 said to have cancelled the
earlier sale deed. Based on a complaint given by the defacto
complainant, the case has been registered.



3. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

4. Today, when the matter is taken up for hearing, Mr. R. Gandhi, learned counsel appearing for the petitioners would submit that in so far as A-4 is concerned he is a attestor of the subsequent sale. He would further submit that A-1 is still absconding and he is not aware of the earlier sale deed and A-2 is claiming to be a bonafide purchaser. Since A-1 is still absconding A-2 has executed a release deed in favour of the defacto complainant and the same registered on 30.07.2020 by the Joint Sub-Registrar No.I, Madurai (South)) and also produced a copy of the released deed. Hence, he seek anticipatory bail.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6. Considering the facts and circumstances of the case and on perusal of the release deed, dated 30.07.2020, A-2 is claiming to be a bonafide purchaser and now he has executed a release deed in favour of the defacto complainant and A-4 is a attestor and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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.I, Madurai, and on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

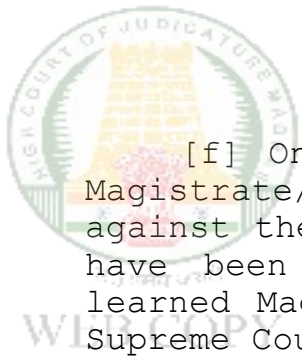
[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners are directed to produce the original release deed, dated 30.07.2020 before the Investigating Officer and on receipt of the same the Investigating Officer is directed to hand over to the defacto complainant, forth with.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/08/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH (ALGSC),
MADURAI CITY, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) . Nos.7880
& 7895 of 2020
Date :05/08/2020

ksa
JM/AKM/SAR 2/12.08.2020/3P/5C

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