



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

Date : 02/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . Nos.9102 and 9115 of 2020

Muruganantham ... Petitioner/Accused No.6
in CRL OP(MD).No.9102 of 2020

Sundaramahalingam ... Petitioner/Accused No.5
in CRL OP(MD).No.9115 of 2020

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch (DCB),
Madurai.
(Crime No. 28 of 2020).

... Respondent/Complainant
in both petitions

For Petitioner : M/s.R.Gandhi,
(in both petitions) Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
(in both petitions) Government Advocate (Crl.Side)
For Intervenor : Mr.J.Senthilkumaraiah
(in both petitions) Advocate

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

COMMON PRAYER :-

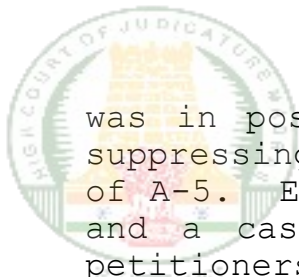
For an Anticipatory Bail in Crime No.28 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners are arrayed as Accused No.5 and 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 468, 471, 419, 406 and 420 of IPC, in Crime No.28 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is said to have purchased the land from A-1 in the year 2013 and he

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was in possession and enjoyment of the property, subsequently, by suppressing the same, A-1 said to have sold the property in favour of A-5. Earlier a complaint has been given before the CCB, Madurai and a case has been registered against the petitioners and the petitioners came up before this Court seeking anticipatory bail wherein, this Court directed the petitioners 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 the same to the defacto complainant, forth with. Pursuant to the same, A-5 herein cancelled the sale deed in respect of the entire 3.71 acres. Now subsequently, the de-facto complainant has sent another complaint before the District Crime Branch for the very same occurrence. Based on the complaint, another case has been registered in Crime No.28 of 2020.

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

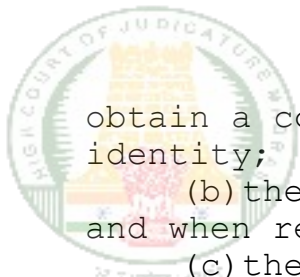
4. The learned counsel appearing for the petitioners would submit that A-5 is only as a *bonafide* purchaser. Based on the earlier complaint given by the CCB, an anticipatory bail petition has been moved and pursuant to the order of this Court in the anticipatory bail petition, the petitioners cancelled the entire sale deed stand in the name of the petitioner/A-5 and once again, a false complaint has been filed against them. So far as A-6 is concerned, he is an attester of the subsequent sale deed. Later, A-1 in this case not only sold the land to A-5 and also cancelled the sale deed executed in favour of A-5.

5. The learned Government Advocate (Crl. Side) appearing for the State would submit that the investigation is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner/A-5 is only a *bonafide* purchaser and A-6 is only an attester and also cancelled the sale deed stand in the name of the petitioner/A-5, I am 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, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. I, Madurai, on condition that the petitioners shall execute 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 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:

(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 shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]**; and;

(f) if the petitioners/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/09/2020

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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.1, MADURAI

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB), MADURAI.

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

+2. CC to M/S.R.GANDHI Advocate SR.Nos.6240, 6241

ORDER

IN

CRL OP(MD).Nos.9102 and 9115 of 2020

Date : 02/09/2020

sjj

PK/PN/SAR-4/08.09.2020 : 3P/7C

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