



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.18501 of 2021

Moorthilingam

... Petitioner/Accused No.5

Vs

The state represented by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No. 44 of 2019).

... Respondent/Complainant

For Petitioner : Mr.S.ABDUL RAHUMAN,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate(crl.side)

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

PRAYER :-

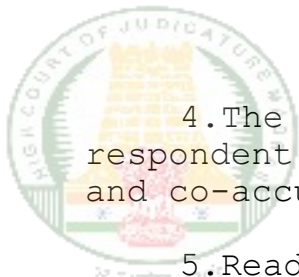
For Anticipatory Bail in Crime No.44 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420 and 120(B) IPC, in Crime No.44 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the property in dispute belongs to the *defacto* complainant and he got assignment in his favour. During the UDR proceedings the patta holder name was wrongly mentioned as Vellaiyan. Taking advantage of the same, the accused persons had fraudulently created forged documents and sold the property to this petitioner on 13.07.2018. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and not committed any offence as alleged by the prosecution. He would further submit that he is only the bona fide purchaser. He would further submit that co-accused were already enlarged on bail. Hence, prays to release him on anticipatory bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not yet completed and co-accused were already released on bail.

5.Reading of FIR shows that, the property under dispute belongs to the defacto complainant as per assignment and got patta no.714 in his favour. During the UDR proceedings, the name was alleged property was wrongly mentioned as Vellaisamy, S/o.Periyasamy and patta number was wrongly mentioned as 868. Taking advantage of the above said mistaken patta, they sold the property to the petitioner on 13.07.2018. It appears that only based upon the mistake happened during the updation of records, this petitioner has purchased the property.

6.Considering the nature of charges levelled against the petitioner and also considering the facts that the co-accused viz., A1 & A2 have already been granted bail by the Principal District Judge, Sivagangai and another bail application for A3 & A4 is pending in the same court, that the petitioner is being the purchaser and that the main accused has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.II, Sivagangai 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 the petitioner shall appear before the respondent police on the first working day of every month at 10.30 am until further orders and thereafter, 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 fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
14/12/2021

/ TRUE COPY /

/ /2021
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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT

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

ORDER

IN

CRL OP(MD) No.18501 of 2021

Date :14/12/2021

PNM

SA/VR/SAR.4/17.12.2021 : 3P/5C