



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 26/07/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.13409 of 2022

1. Mathivanan @ Maruthamuthu

2. Saravanan

... Petitioners/Accused No.1&2

Vs

The State rep.by,  
The Inspector of Police,  
Manikandam Police Station,  
Trichy District.  
Cr.No.100/2022.

... Respondent/Complainant

For Petitioner : M/s. Karunanithi,  
Advocate.

For Respondent : Mr. R.M. Anbunithi  
Additional Public Prosecutor  
(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.100/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 420 IPC in Crime No.100 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 30.03.2022 the defacto complainant purchased 1200 Sq. feet of vacant site from the petitioner for the value of Rs.3,72,000/- and on 11.05.2022, the



defacto complainant came to know that the temple belong: ie temple and when that was enquired by the defacto complainant the petitioners said to have criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the 1<sup>st</sup> petitioner has purchased the disputed property in the year 1992 in a Registered document from one owner in S.No.15/6C measuring about total extent of 13 cents it was a lay out and 1200 Sq. Ft. was sold in patta No. B131 in very same property has been sold to the defacto complainant on 13.03.2022.

4. The Additional Public Prosecutor appearing for the respondent would submit that even though as per the documents extent are correct. But on the site there is a difference and the petitioner sold excess and including the adjacent Survey Number also. He would rely upon the report given by the Surveyor.

5. Whether the property was sold by the petitioner to the defacto complainant is available on land or not is a matter for consideration by the investigating officer. Since the issue involves the documentary evidence custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate IV, Trichy on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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 stands dismissed.

sd/-  
26/07/2022

/ TRUE COPY /

/08/2022

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

trp

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE IV, TRICHY.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY.

3. THE INSPECTOR OF POLICE,  
MANIKANDAM POLICE STATION,  
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13409 of 2022

Date : 26/07/2022

RK/SVR/SAR-IV/03.08.2022/3P/5C