



WEB COPY

Crl.OP(MD)N



22

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

Dated: 02/09/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP (MD)No.13469 of 2022

Vasanthakumar

... Petitioner/Accused No.4

Vs.

State represented through
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.20 of 2022)

... Respondent / Complainant

Lilly Kamath

... Intervener
in CRL MP (MD) No.9212 of 2022

For Petitioner	: Mr.M.Kannan, Advocate.
For Respondent	: Mr.R.M.Anbunithi Additional Public Prosecutor
For Intervenor	: Mr.M.Anbalagan, Advocate.

PETITION FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.

PRAYER:-For Anticipatory Bail in Crime No.20 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 467, 468, 448 and 471 IPC, in Crime No.20 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant purchased two plots in Kodaikanal bearing Nos.99 and 100 of an extent of 6440 sq. feet from V.G.P. Housing Private Limited. After purchase, she was in possession of the property. But her permanent resident is at Mumbai. Taking advantage of the above said, A1 along with other accused persons conspired together and by impersonating a person as if she is Lilly Kamath created Aadhar Card and obtained missing certificate and registered the property, as if A1 gave power of attorney to A2 in respect of the disputed property. On the



strength of the same, A2 sold the plot Nos.99 and 100 to A1. So on the basis of the complaint given by the de-facto complainant, the case was registered.

3.Now the allegation against the petitioner is that only on the strength of the power of the attorney executed by A1 in favour A3, he entered into a sale agreement with the petitioner, on 29/12/2020. So according to the petitioner, he is a *bona fide* purchaser for valuable consideration without notice and the original document was handed over and he was not aware that there is an allegation against A1 and A3 that they impersonated the real owner and created bogus document.

4.But however, the learned counsel appearing for the intervener/de-facto complainant would submit that this petitioner is not a *bona fide* purchaser for valuable consideration. So he adopted the written statement that was filed by the 3rd defendant in the above said suit O.S No.192 of 2021. But however, the learned counsel appearing for the petitioner would submit that even though, he has adopted the statement, he is now ready to cancel the sale agreement.

5.But however, considering the fact that the disputed is between the de-facto complainant and the main accused namely A1, this petitioner does not want to carry on with the sale agreement. So he filed an undertaking affidavit to the effect that he is ready to cancel the sale agreement, which was entered by him with A3. The said undertaking affidavit is placed on record. So on the basis of the undertaking affidavit, the anticipatory bail is granted.

6.In view of the above facts and circumstances of the case, this court **is 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 Court Judicial Magistrate No.II, 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 the petitioner shall appear before the respondent police daily at 10.30 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. 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 petitions for anticipatory bail stand dismissed. He must cancel the sale agreement and the document must be submitted to the trial court within 30 days.

sd/-

02/09/2022

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



TO

1 THE SPECIAL COURT JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT

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

+1 CC to M/s.M.KANNAN, Advocate (SR-9624[I] dated 05/09/2022)

ORDER

IN

CRL OP(MD) No.13469 of 2022

Date :02/09/2022

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MK/VR/SAR.I/06.09.2022/3P/6C