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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 28/06/2022

PRESENT

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

Crl.OP (MD) Nos.14903 and 14906 of 2021

Natarajan : Petitioner/Accused No.13
in Crl.OP (MD) No.14903 of 2021

A.Deepa : Petitioner/ Accused No.12
in Crl.OP (MD) No.14906 of 2021

Vs.

State rep. By
The Inspector of Police,
District Crime Branch,
Karur District.
(In Crime No.9 of 2021)

: Respondent/Complainant
in both Cases

For Petitioners : Mr.N.Kamesh, Advocate
in both cases

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
in both cases

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

COMMON PRAYER:-

For Anticipatory Bail in Crime No.9 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A12 and A13 apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 120(b), 420, 465 and 468 IPC, in Crime
No.9 of 2021 on the file of the respondent police, seek anticipatory
bail.

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



2.The case of the prosecution is that the de-facto complainant became the owner of the property by virtue of the decree passed in O.S No.42 of 2012 by the Sub Court, Karur in respect of the property situated in SF No.534/1 at Manmangalam Taluk, Arthur Village measuring 5.58 cents. But during the sub division, a mistake was committed by the revenue officials. Taking advantage of the above said mistake, A1 namely Subramani claimed that he is the owner of the property and sold the same to one Gopal in respect of Survey No.534/1, On the basis of the Will, which was executed by one Munusamy.

3.The petitioners are arrayed as A12 and A13 in the crime. Now the allegation against the petitioners is that they purchased the property on 06/08/2021 from one Muthusamy, who is arrayed as A11. The above said Muthusamy in turn purchased the property from A1 namely Subramani.

4.Seeking anticipatory bail, these petitions have been filed on the ground that they are the bona fide purchasers for consideration without notice, that too on the basis of the Will executed by one Muthusamy. It is further contended that A7 namely Gopalan has lodged a complaint in Crime No.8 of 2021 against the de-facto complainant stating that he has created a false settlement deed and they were colluding with the other accused persons. According to the petitioners, they are the bona fide purchasers for valid consideration without notice and during the alleged forgery, they were not at all in the picture.

5.Perusal of the CD file and the other connected materials shows that it is the case of the de-facto complaint that the Will, which was executed, on 03/11/2009 has been forged. As stated by the petitioners, based upon the above said Will, subsequent sale deeds came to be executed and these petitioners seem to be the subsequent purchasers. As stated above, they are not in the picture, on 02/05/2022 when the alleged forgery said to have been taken place. The petitioners purchased the property, on 06/08/2021 much after the above said disputed Will.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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.1, Karur and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the



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date on which the order copy made ready, failing which the petitions for anticipatory bail stands dismissed.

sd/-
28/06/2022

/ TRUE COPY /

/07/2022

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

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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, KARUR
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S. KAMESH.N Advocate SR.No.6404,6405

ORDER
IN
CRL OP (MD) No.14903 and
14906 of 2021
Date :28/06/2022

RK/JM/SAR-II(01.07.2022) 3P 7C