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

Date : 04/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19086 of 2021

Balaguru ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch(DCB).
Anti Land Grabbing Special Cell(ALGSC),
Madurai District.
(Crime No.28/2021). ... Respondent/Complainant

T.Ilaiya Perumal ... Intervener/Defacto
Complainant
(in Cr1.M.P.(MD)No.11268/2021)

For Petitioner : M/s.Haroon Rasheed D S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : M/s.S.Poornachandran, Advocate

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

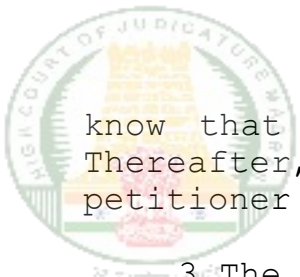
PRAYER :-

For Anticipatory Bail in Crime No.28/2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
120(b), 420, 465, 468, 471 of IPC, in Crime No.28 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
has purchased house plots to an extent of 1095 Sq.ft on 26.04.2006
and thereafter, he wanted to sell the property and he applied
Encumbrance Certificate, then only, the defacto complainant came to



know that the same property was once again sold to one Rajesh. Thereafter, the present complaint has been registered against the petitioner in Crime No.28 of 2021.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the because of some sort of mistake in the computer, the occurrence had occurred.

4. The learned counsel for the intervenor submitted that the intervenor has filed a Suit in O.S.No.45 of 2021 on the file of the Subordinate Judge, Melur for declaration and injunction by declaring the subsequent sale deed in Document number 5142 of 2006 is Null and Void. The same is pending.

5.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the petitioner is having usual habit to sell one property to various person and also submitted that in respect of the very same survey number, another case in Crime Nos.18 and 28 of 2018 have been registered. He would further submit that the now the defacto complainant sold the property to another person.

6.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Special Court for Anti Land Grabbing Cases, 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 on every Saturday at 10.30 am until further orders. 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/-
04/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.IV)
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 SPECIAL JUDGE FOR ANTI
LAND GRABBING CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
ANTI LAND GRABBING SPECIAL CELL (ALGSC),
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19086 of 2021
Date :04/08/2022

SP/JM/SAR IV/26/08/2022/3P/4C