



CRL OP(MD) Nos.10789 & 10792 of 2023

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

Date : 19/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.10789 and 10792 of 2023

1.Anbarasan
2.Vivek
3.Sathana
4.Malarvizhi
5.Saraswathi
6.Saratha
7.Sasikala

... Petitioners/ Accused 2-6,8,9
in both Crl O.Ps.

Vs

The state rep.by
The Inspector of Police,
Inspector of Police
District Crime Branch
Karur District.
(Crime Nos.15 and 16 of 2023)

... Respondent/ Complainant
in both Crl O.Ps.

(In both CRL.OP's)

For Petitioners : Mr.Veerakumar.T, Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Intervenor : Mr.P.Authimoolapandian, Advocate



CRL OP(MD) Nos.10789 & 10792 of 2023

WEB COPY PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos. 15 and 16 of 2023 on the file of the Respondent police.

COMMON ORDER: The Court made the following order :-

The petitioners/ A2 to A6, A8 and A9, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 420, 463, 464, 465, 466, 468 and 120B of IPC in Crime Nos.15 and 16 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners said to have executed a fraudulent registered sale deed in favour of A1. Hence, the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the property originally belong to the first petitioner's grandfather. Subsequently, the said property was partitioned between the first petitioner's father and paternal uncle by a partition deed dated 23.05.1958 vide Doc. No.1778/1958. Thereafter, the first petitioner's family members executed a sale deed in favour of the defacto complainant's grandfather vide Doc. No.66/1966. Simultaneously another set of property was purchased by another defacto



CRL OP(MD) Nos.10789 & 10792 of 2023

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complainant. Thereafter, they are in possession and all the revenue records are in their name. However, in the year 2022, again the petitioners have sold the very same property in favour of A1, which are sold to the defacto complainant. In fact some of the petitioners are parties to the earlier document.

* 5. The learned counsel for the petitioners would submit that though the defacto complainant claimed the property by way of sale deed vide Doc. No.66/1966, it was not found in the encumbrance certificate so far. Now the sale deed executed by the petitioners herein in favour of A1 which was under challenge before the District Registrar and the same was annulled by the District Registrar. Subsequently the respondent Police registered a case in Crime No.16 of 2023 in respect of second property. The appeal against the cancellation of sale deed is pending before the Inspector General of Registration.

6. It is seen that since the document itself cancelled and the appeal is pending before the Inspector General of Registration, the custodial interrogation of the petitioners do not required in this case.

7. Taking into consideration the aforesaid facts, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which



CRL OP(MD) Nos.10789 & 10792 of 2023

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the order copy made ready, before the learned Judicial Magistrate No.I, Karur, Karur District 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to file an undertaking affidavit before the learned Judicial Magistrate No.I, Karur, Karur District, stating that they shall not interfere with the peaceful possession of the subject property of the defacto complainant and they shall not claim any right or title over the property in future. If they violate any of the conditions, the anticipatory bail granted to the petitioners shall automatically cancelled and the respondent at liberty to secure the petitioners and proceed in accordance with law.

[b] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 am., for a period of three weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during



CRL OP(MD) Nos.10789 & 10792 of 2023

investigation or trial.

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[e] the petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/06/2023

(*)FOR BEING MENTIONED AS PER ORDER
OF THIS HON'BLE COURT DATED
17/11/2023 IN CRL.OP(MD)Nos.10789 and
10792 of 2023.

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Two weeks time is granted to the petitioners to comply with the conditions imposed in the order dated 19.06.2023, from the date on which this order copy made ready.

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN



CRL OP(MD) Nos.10789 & 10792 of 2023

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TO

TO BE SUBSTITUTED WITH THE ORDER DT. 19/06/2023 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE NO.I, KARUR,
KARUR DISTRICT

2. DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT

3. THE INSPECTOR OF POLICE,
INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
KARUR DISTRICT.

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

+1. CC TO M/S.VEERAKUMAR.T ADVOCATE SR.NO.9064.

ORDER
IN

CRL OP(MD). Nos.10789 and 10792 of 2023

Date :19/06/2023

SI/SKN/ (27.06.2023) 6P/ 6C

ED/ /SAR- (24/11/2023) 6P / 6C

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17/07/2023