



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/07/2023
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12643 of 2023

Jayaprakasan

... Petitioner/Accused 2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur District.
Crime No.14 of 2023.

... Respondent/Complainant

For Petitioner : M/s.MURUGESAN D.R., Advocate

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.14 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 465, 467, 468, 420 r/w 34 IPC in Crime No.14 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having ancestral lands in Nadiyammalpuram in S.Nos.70/19, 74/16, 74/15, 73/40, 74/19 and 167/2 admeasuring total extent of 4 acre 5.6 1/4 cents, 2/3 cents. Due to civil dispute with regard to the said land, he executed general power of attorney on 27.01.2011 in favour of one V.E.Siva. Taking advantage of the same, the said V.E.Siva, executed sale deed in favour of the petitioners herein on 17.08.2012, in order to cheat the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is the subsequent purchaser and he had purchased the property from the first accused. He has not involved in the issue between the defacto complainant and his power of attorney. The power of attorney was executed in the form of general



power giving power to the first accused to enter sale and at ground he had purchased the property. Hence, prays to release him on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the issue is between the defacto complainant/principal and the power of attorney/first accused. The petitioner is the subsequent purchaser of the property from the first accused. Considering the gravity of offence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Considering the facts and circumstances of this case and the facts that the petitioner is the subsequent purchaser and without knowing the issue between the defacto complainant and others, he had purchased the same, on the strength of power of attorney. Considering the period of incarceration undergone by the petitioner and limited role played by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 **Judicial Magistrate, Pattukottai**, and on further condition that the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

sd/-

14/07/2023

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14/07/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, THANJAVUR.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,

THANJAVUR DISTRICT.

<https://www.mhjn.org.in/index>



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

+1. CC to M/S.MURUGESAN D.R. Advocate SR.No.10701 (I)
Dt.14/07/2023.

ORDER

IN

CRL OP (MD) No.12643 of 2023
Date :14/07/2023

SA/VR/SAR. /14.07.2023/3P/7C