



CRL OP(MD) No.2391 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2391 of 2024

S.RAJAGURU

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
CR.NO.29/2023

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.GOVINDARAJAN, Advocate
for M/S.MATHIYALAGAN.R Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 29/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 120(b), 420, 465, 468, 471 of IPC in Crime No.29 of

2023, seek anticipatory bail.

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2. The case of the prosecution is that the defacto complainant namely Suguna purchased a property from one K.Murugesan, who is the power holder of that property, situated at Mookanakurichi village, S.F.No.27/1, Karpagam Nagar extension B group, on 15.12.2009 and the same was registered in document No.3694 of 2009 in Sub Registrar Office, Velliyanai. Suppressing the same, subsequently, one Rajaguru sold the very same property to Revathi, W/o. Balamurugan on 19.03.2014 and the same was registered in Sub Registrar, Velliyanai, in Document No.564 of 2014. The Revenue Divisional Officer, Karur, in his report recommended that to lodge a criminal complaint against the said Rajaguru, Revathi and others. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner and his mother gave power to the petitioner's brother in law namely K.Murugesan in the year 2008 and the power was registered in Sub Registrar Office, Velliyanai in Document No.731/2008 for the above property and some other properties, thereafter, they cancelled the power deed, which was already executed to the said Murugesan on 31.03.2010. Subsequently, the petitioner sold the said property to one Revathi on 19.03.2014 and thereafter, the said Revathi filed a suit in O.S.No.336 of 2023 for declaration before the Sub Court, Karur, against one Suguna and Rajaguru. The petitioner was not aware of execution of the sale by the said Murugesan. Hence, he prays to grant anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that pursuant to the complaint made by the defacto complainant, the Revenue Divisional Officer, Karur, lodged the complaint before the respondent Police, thereby, investigation is taken up and the same is pending. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. The concerned Revenue Divisional Officer is at liberty to issue a proceedings under Section 77(A) of Registration Act, as against the petitioner and pass orders in



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the manner known to law, after providing opportunity to the aggrieved persons, if any.

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sd/-
20/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

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

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

COPY TO:
THE REVENUE DIVISIONAL OFFICER
KARUR.

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-2146[I] dated 21/02/2024)

ORDER IN
CRL OP(MD) No.2391 of 2024
Date :20/02/2024

SA/GS/SAR. /04.03.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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