



CRL OP(MD). No.8747 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Palanikumar
2. Muruganandam
3. Velmurugan

... Petitioners/ Accused 6,7,8

Vs

The Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.3/2024)

... Respondent/ Complainant

For Petitioner : Mr.B.Anandan, Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)
For Intervenor : Mr.R.Anand, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.3/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police in connection with Crime No.3 of 2024 for the offence under Sections 120-B, 419, 465,



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467, 468, 471 and 420 of IPC, have filed this petition seeking anticipatory bail.

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2.The case of the prosecution is that the defacto complainant owned a land in S.No.451/1 admeasuring to an extent of 1 acre, for which, patta was also granted in Patta No.3171. The said property was allotted to the defacto complainant by way of partition. While so, A1 to A5 with the help of revenue officials got patta in their name. On 17.10.2022, a relinquishment deed was executed by A1, A4, A5 in favour of A2. On 20.10.2022, a general power of attorney was executed in favour of the first petitioner/A6 herein. On the basis of the above power of attorney, two sale deeds came to be executed in favour of the petitioners 2 and 3/A7 and A8. Subsequently, another power deed was executed on 14.03.2024 in favour of A9 in respect of S.No.440/1A. Hence, the case.

3.The learned counsel for the petitioners submits that the petitioners are the subsequent purchasers and believing the earlier registration documents dated 17.10.2022, 20.10.2022 and 14.03.2023, they have purchased the property. After the registration of the sale deed, they came to know that the said property has been sold to them without proper title. Therefore, on the advice of their counsel, they have also cancelled the document.

4.The learned counsel for the defacto complainant raised serious objections that A6 is the power holder and by obtaining the forged power deed, he created a sale



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deed in favour of A7 and A8 on 12.11.2022. He further submits that the petitioners are the real estate brokers and they are the main culprits in the commission of offence. Further, he has also raised some doubt in the manner, in which, the investigation has been conducted.

5.The learned Government Advocate (Crl. side) submits that the investigation is pending and they requested short accommodation to ascertain whether the accused has cancelled the document dated 12.11.2022.

6.The petitioners are the Accused No.6, 7 and 8. A1, A3 and A5 created the first document on 17.10.2022 and subsequently, the deed was created in favour of A6 by A2 on 20.10.2022. Based on the power deed, A6 sold the property to A7 and A8 vide document dated 12.11.2022. The petitioners have come forward before this Court that they are the bona fide purchasers and without knowing the dispute between the defacto complainant and other accused, they have purchased the property and the petitioners have also cancelled the document dated 12.11.2022 on 06.06.2024.

7.Considering the representation of the petitioners that they have cancelled the document, this Court is inclined to grant anticipatory bail to the petitioners.

8.At this juncture, the learned counsel for the defacto complainant submits that A2 was arrested and still in judicial custody and this order may be taken advantage of by the other accused to come out on bail.



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9.This Court has already dealt with this issue on the application filed by the accused Nos.1, 2, 4 and 5 in Crl.O.P.(MD)No.5344 of 2024, elaborately and discussed the manner, in which, the offence has been committed and dismissed the application for anticipatory bail. This Court is now inclined to grant anticipatory bail to the petitioners herein only on the ground that they have cancelled the document by a deed dated 06.06.2024. Therefore, the apprehension of the defacto complainant is unwarranted.

10.Accordingly, this Criminal Original Petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions that:

(i) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(ii) The petitioners shall appear before the respondent police daily at 10.30 am until further orders. They have to co-operate for the investigation.

(iii) The petitioners shall not misuse the liberty granted to them by indulging in



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any further offence and shall not tamper with the prosecution witnesses.

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(iv) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-

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

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, CENTRAL CRIME BRANCH, MADURAI CITY.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-6598[I] dated 18/06/2024)

ORDER

IN

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Date :14/06/2024

RS/JGB/SAR-(26.06.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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