



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

Friday, the Twentieth day of December Two Thousand Thirteen

PRESENT

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The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.22987 of 2013

1 S.MAHESWARI
2 K.KUMARAN
3 S.KATHIRESAN

... PETITIONERS/ACCUSED NOS.1 TO 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI,
MADURAI DISTRICT
CRIME NO. 128/2013

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.GANDHI, Advocate for
M/S.P.MAHENDRAN Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

There are totally three accused in this case. The petitioners, who are arrayed as A1 to A3 in Crime No.128 of 2013, on the file of the respondent police, apprehending arrest at the hands of the respondent police for the alleged commission of offences punishable under Sections 120(B), 406, 420 and 506(i) I.P.C., seek anticipatory bail.

2. The third petitioner/A3 is the father of the petitioners 1 and 2/A1 and A2. The alleged commission of offence is said to have been taken place on 10.01.2007 and the complaint was lodged on 26.11.2013 by the de facto complainant. A perusal of the first information report would disclose among the things that the de facto complainant, considering the family circumstances, had entered into a sale agreement with the third petitioner. Further, it is alleged that the third petitioner had also obtained a general power of attorney to divide the property into plots for the purpose of selling as house sites and though the power of attorney executed by the wife of the de facto complainant in favour of the first



petitioner, who is the daughter of the third petitioner, authorizing her to sell 16,236 sq.ft., has sold an extent of 19,236 sq.ft., and thereby cheated the de facto complainant by selling the land belonging to him to an extent of 3,022 sq.ft., and when the de facto complainant approached the petitioners to solve the issue, he was threatened with dire consequences.

3. Learned counsel appearing for the petitioner would submit that the matter is purely civil in nature and the de facto complainant has given a colour of criminality. Admittedly, the alleged transaction took place in the year 2007 and the de facto complainant waited for six years to lodge the present complaint. Further, the actual dispute is in respect of a pathway and in this regard the petitioners had filed a suit in O.S.No.837 of 2011, on the file of the Principal District Munsif Court, Madurai, against one George, who has claimed the right of pathway, praying for permanent injunction and the suit is pending adjudication. Therefore, the petitioners, apprehend arrest, moved this Court praying for anticipatory bail.

4. Learned Government Advocate (Crl. Side) would submit that based on the complaint received from the de facto complainant investigation is going on and the documents are yet to be collected.

5. In response to the said submission, the learned counsel appearing for the petitioners would submit that the petitioners will fully co-operate with the investigation agency and furnish the relevant and required details for early completion of the investigation.

6. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the State and also perused the entire materials available on record.

7. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.I, Madurai, and on each 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 Magistrate concerned and on further condition that the first and second petitioners shall appear before the respondent police daily at 11.00 a.m., for a period of one week, thereafter as and when required for interrogation. Further, the third petitioner shall appear before the respondent Police daily at 11.00 a.m., for a period of three weeks, thereafter as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.



8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready failing which, the petition for anticipatory bail would stand dismissed.

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sd/-
20/12/2013

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO. I
MADURAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
4. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI,
MADURAI DISTRICT

+1. CC to M/S.P. MAHENDRAN Advocate SR.No.64088
RL/6 C- 27/12/2013

ORDER
IN
CRL OP (MD) No.22987 of 2013
Date : 20/12/2013