



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

Thursday, the Fifth day of February Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) Nos.1022 & 1587 of 2015

MEENAMBIKAI

... PETITIONER/ACCUSED NO.1 IN CRL.OP(MD)NO.1022/15

1. M.MADASAMY
2. B.BALAMURUGAN
3. P.SENTHIL

... PETITIONERS/ACCUSED 3 TO 5 IN CRL.OP(MD)NO.1587/15

Vs

THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
CRIME NO.43/2015

... RESPONDENT/COMPLAINANT IN CRL.OP(MD)NO.1022/15

THE SUB INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.
CRIME NO.43/2015

... RESPONDENT/COMPLAINANT IN CRL.OP(MD)NO.1587/15

For Petitioner : M/S.G.THALAIMUTHARASU Advocate IN BOTH PETITIONS

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

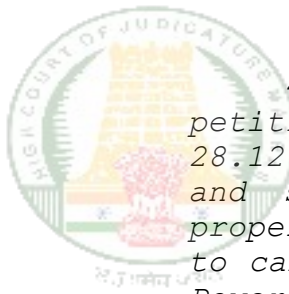
Apprehending arrest at the hands of the respondent police in Crime No.43 of 2015, on the file of the respondent police for offences under Sections 417, 418, 419, 420, 465, 466, 467, 468 and 471 of I.P.C, the petitioners are now before this Court seeking Anticipatory Bail.

2. On 22.01.2015, this Court passed the following order in Crl.O.P (MD)No.1022 of 2015:

"The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 418, 419, 420, 465, 466, 467, 468 and 471 IPC in Crime No.43 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the prosecution that the property in question belonged to the father of the defacto complainant, who died way back in the year 1998. According to the prosecution, A2 in this case had registered a bogus power of attorney in favour of Meenambikai / A1 (petitioner herein) in respect of the property on the strength of which, the petitioner was intending to sell the property. In the meantime, the defacto complainant had hint of this and therefore, he lodged the present complaint.



WEB C

4. Learned counsel for the petitioner submits that the petitioner had issued a paper publication in Dinamalar on 28.12.2014 that she has no right or claim over the property and she will not create any encumbrance in the said property. He further submits that the petitioner is ready to cancel the Power of Attorney. Her attempt to cancel the Power of Attorney was not entertained by the Sub-Registrar, because Police have instructed the Sub-Registrar's Office not to register any document with regard to the subject property.

5. Under such circumstances, this is inclined to grant interim anticipatory bail to this petitioner with a direction to Police to instruct the Sub-Registrar to entertain the document for cancellation of the bogus Power of Attorney dated 04.12.2014. The petitioner shall comply with this within two weeks from today and report to this Court with an affidavit preferably in Tamil and also enclose a copy of the cancellation deed. The petitioner is also directed to surrender the original bogus Power of Attorney and death certificate to Police after cancelling the bogus Power of Attorney.

6. In the event of arrest, the petitioner is directed to be released on bail on her executing a bond for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the Arresting Officer.

Call on 05.02.2015. On the said date, the respondent Police shall file a status report."

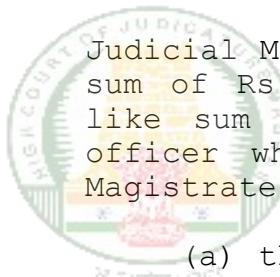
3. The petitioners in Crl.O.P(MD)No.1587 of 2015 are the witnesses to the bogus power of attorney.

4. Today, the learned counsel for the petitioners submits that the bogus power of attorney has been cancelled and the original power of attorney and the cancellation deed were also handed over to the police. The police has filed a status report in which in paragraph No.5, it has been stated as follows:

"5.It is furthermore submitted that the petitioner herein cancelled the bogus Power of Attorney on 03.02.2015 and surrendered the original bogus Power of Attorney to me on the same and I received the same from the petitioner herein as per the order of this Honourable Court. In this case, an accused by name Somasundaram was arrested and remanded in judicial custody and Statements of witnesses have been recorded and the case is now under investigation. With these observations, I file this status report."

4. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions.

<https://hcservices.courts.gov.in/hcservices/> 5. Courts govt.in/hcservices/ 1. Only, 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.II, Kovilpatti, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

[b] the petitioners shall give their thumb impression, specimen signatures and handwritings.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[e] 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].

[f] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

sd/-
05/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
3. THE INSPECTOR OF POLICE, KOVILPATTI WEST POLICE STATION, KOVILPATTI, THOOTHUKUDI DISTRICT.
4. THE SUB INSPECTOR OF POLICE, KOVILPATTI WEST POLICE STATION, KOVILPATTI, THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CCS to M/S.G.THALAIMUTHARASU Advocate SR.No. 5622 & 5623

SR : 09.02.2015 : 3P/8C

ORDER
IN
CRL OP(MD) Nos.1022 & 1587 of 2015
Date :05/02/2015