



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

Tuesday, the Twenty Ninth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18717 and 18585 of 2015

1 G. VINOTH KUMAR
2 N. BALASUBRAMANI
3 A. VIMAL
4 R. SARUGHAN

... PETITIONERS / ACCUSED RANK NOT KNOWN
IN CRL OP(MD) No.18717 of 2015

K. SUBRAMANI

... PETITIONERS / ACCUSED NO.1
IN CRL OP(MD) No.18585 of 2015

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION,
(CR.NO. 217 OF 2015)

... RESPONDENT / COMPLAINANT IN BOTH CASES

For Petitioners : M/S S.VIJAYASHANTHI Advocate
IN CRL OP(MD) No.18717 and 18585 of 2015

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)
IN CRL OP(MD) No.18717 and 18585 of 2015

For Intervenor : Mr.P.Samuel Gunasign, Advocate in Both Cases

PETITION FOR BAIL Under Sec. 439 Cr.P.C. In CRL OP(MD) No.18717 of 2015

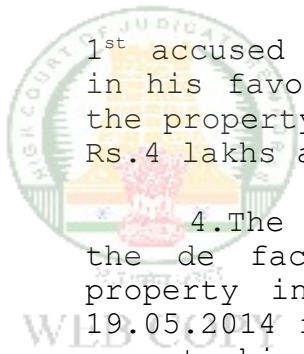
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.-
In CRL OP(MD) No.18585 of 2015

COMMON ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.(MD)No.18585 of 2015, who is arrayed as the 1st accused, apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 448, 427 IPC r/w Section 3(1) of TPD Act, 1992, in Crime No.217 of 2015 on the file of the respondent Police and hence, seeks anticipatory bail.

2.The petitioners in Crl.O.P.(MD)No.18717 of 2015, who are the accused in Crime No.217 of 2015 for the offences punishable under Sections 147, 448, 427 IPC r/w Section 3(1) of TPD Act, 1992 on the file of the respondent Police, were arrested and remanded to judicial custody on 13.09.2015. They seek bail.

3. According to the de facto complainant, he borrowed Rs.17½ lakhs from the 1st accused by mortgaging the property of his wife. But, due to non payment of the interest and the principle amount within a year, the



1st accused had insisted the de facto complainant to execute a sale deed in his favour. Whiles, on 09.09.2015, the accused have trespassed into the property of the de facto complainant and caused damage to the tune of Rs.4 lakhs and also assaulted the watchman.

4.The learned counsel for the petitioners submitted that the wife of the de facto complainant namely, Mrs.Rajeswari had already sold the property in dispute to the 1st accused by a registered sale deed on 19.05.2014 for the value of Rs.22,45,000/- and possession was also handed over to him on the date of execution of the sale deed.

5.It is further submitted that due to raise of the land value, the de facto complainant has filed P.O.P.No.1 of 2014 for declaration that the sale deed is null and void and the case was filed as indigent person.

6.Per contra, the learned counsel for the intervenor submitted that the sale deed was obtained by force and the de facto complainant has been in possession and enjoyment of the property, which is deliberately suppressed by the accused. It is further contended that on 9th September while the de facto complainant was away, the accused taking law in their hands trespassed into the property and caused extensive damages, so they are not entitled for any indulgence of this Court.

7.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the occurrence had taken place on 09.09.2015 and as per the complaint the accused has caused damage to the tune of Rs.4 lakhs.

8.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

9.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner in Crl.O.P.(MD) No.18585 of 2015, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Karur, and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner 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 stands dismissed.

10.The petitioners in Crl.O.P.(MD)No.18717 of 2015 are ordered to be released on bail on executing 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 learned Judicial Magistrate No.I, Karur and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders.

sd/-
29/09/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.1 KARUR

2 DO THRO THE CHEIF JUDICIAL
MAGISTRATE, KARUR

3 THE OFFICER INCHARGE
SUB JAIL,
KARUR

4 THE INSPECTOR OF POLICE
VENGAMEDU POLICE STATION,

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

+2. CC to M/S K.HARIHARAN, Advocate SR.No.57254,57255
+1CC to M/S.P.Samuel Gunasingh, Advocate, SR.No. 57687

ORDER
IN
CRL OP(MD) No.18717 and 18585
of 2015
Date :29/09/2015

AM/01.10.2015/SK.SKN/SAR-II/3P/8C