



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

Monday, the Twelfth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.12563 of 2014

WEB COPY

M. JANAKI

... PETITIONER/ACCUSED NO.6

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DT
CRIME NO.658 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)

For Intervenor : MR.S.BALAJI, Advocate

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.658 of 2014 on the file of the respondent police for offences under Sections 419, 420, 468, 469, 471 and 506(i) of the Indian Penal Code, the petitioner is now before this Court seeking Anticipatory Bail.

2. It is the case of the prosecution that the property in question belong to Kanthasamy Naidu and Perumal (de-facto complainant). The said Kanthasamy Naidu is the father of Perumal (de-facto complainant). Perumal and Kanthasamy mortgaged the property to one Vanamoorthy, who is none other than the father-in-law of Perumal on 31.07.1985. On 29.03.1986, the said Kanthasamy died. In the year 1995, the said Vanamoorthy went missing and despite all efforts, he was not able to be traced and still he is missing. A case in Crime No.414 of 1995 for man missing has been registered in this regard. While so, it is alleged that A1 to A4, who are relatives of the de-facto complainant, on coming to know all this had created a fabricated discharge deed dated 20.03.2001 as if Vanamoorthy received the mortgage amount and he discharged the mortgage. It must be remembered that on 29.03.1986, Kanthasamy Naidu died and some one had fabricated the document by impersonating the said Kandasamy. Thereafter, A1 to A4 have given a power of attorney in favour of A5 in the year 2001. The petitioner herein purchased the said property on 04.04.2001 from A1 to A4 through their power agent/A5, based on some document. It appears that the petitioner is an innocent purchaser, but whereas the other accused in this case



have fabricated the document by impersonating the deceased person and a missing person.

3. The learned Additional Public Prosecutor submits that the investigation has been completed and the final report has been filed.

4. In such circumstances, I am of the opinion that this will be a fit case for anticipatory bail to this petitioner, he being appeared to be a bona fide purchaser.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Sivakasi, on her 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 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 petitioner shall appear before the respondent police as and when required for interrogation.

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(c) the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-

12/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE ADDL.PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE INSPECTOR OF POLICE THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.1922

ORDER IN

CRL OP(MD) No.12563 of 2014

Date :12/01/2015