



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

Tuesday, the Twenty Eighth day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

CRL OP(MD) No.14421 of 2015

1 CHANDRA@ACHAMMAL
2 RAMADOS
3 VARATHARAJAN
4 RAJARAM
5 KANAGARAJ
6 RAJESHKANNA
7 SUBBURAJ
8 ETTAPPAN

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE,
KADAMBUR POLICE STATION,
THOOTHUKUDI DISTRICT,
(CRIME NO. 97 OF 2015) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SUBBURAJ Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(crl.side)

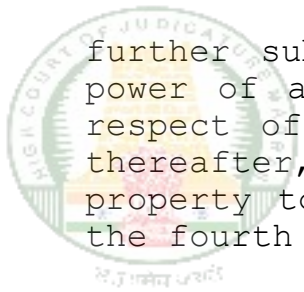
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 406, 416, 417, 465 and 420 of I.P.C., in Crime No.97 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, the property to an extent of 2.73 acres in S.No.113 of K.Chidambarapuram Village in Thoothukudi District belongs to her maternal uncle Narayanasamy, who died as a bachelor and her mother Alagammal became the absolute owner of the property. Whiles, A1 to A3 without having any rights over the property, executed a power of attorney in favour of one Ravikumar and on that basis, he sold the property to the other accused.

3.The learned counsel for the petitioners submitted that the mother of the de-facto complainant and the said Narayanasamy are brother and sister born through his first wife and L.S.Subbaraj and the petitioners No.1 to 3 are born through his second wife. He



further submitted that the petitioners No.1 to 3 have executed a power of attorney in favour of one Ravikumar in the year 2005 in respect of half share in the undivided joint family property and thereafter, the 7th petitioner Subbaraj, who in turn sold the property to the fourth petitioner in the year 2008 and thereafter, the fourth petitioner sold the property to one Visuvasam.

4.The learned counsel further submitted that a civil suit filed by the de-facto complainant before the District Munsif Court, Kovilpatti was decreed as exparte and the petitioners have taken steps to set aside the exparte decree and on earlier occasion, the de-facto complainant gave a similar complaint against the petitioners, which was enquired into by the respondent police and the same was closed as 'mistake of fact' and this is a second complaint.

5.The learned Government Advocate (Crl.side) submitted that the accused have created forged documents to grab the property of the de-facto complainant.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kovilpatti and on each of them 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 first petitioner shall appear before the respondent police as and when required for interrogation and the petitioners No.2 to 8 shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the condition 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 stands dismissed.

sd/-
28/07/2015

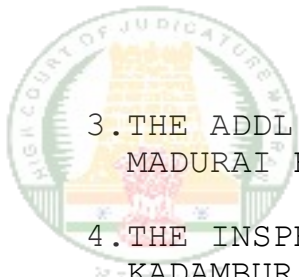
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.II,KOVIPATTI.

2.THE CHIEF JUDICIAL MAGISTRATE



3. THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE INSPECTOR OF POLICE,
KADAMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.

+1. CC to M/S.P.SUBBURAJ Advocate SR.No.41883

ORDER
IN
CRL OP(MD) No.14421 of 2015
Date :28/07/2015

RG.29.07.2015 3P.6C.