



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Jurisdiction)

Monday, the Seventeenth day of August Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.15850 & 15853 of 2015

KARUPPASAMY

... PETITIONER/ACCUSED No.1
IN CRL OP(MD)NO.15850/2015

1.VELSAMY THEVAR
2.SUBBIAH THEVAR
3.SUBBIAH

... PETITIONER/ACCUSED Nos.2,4 & 5
IN CRL OP(MD)NO.15853/2015

Vs

STATE REP BY INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
TUTICORIN DISTRICT.
(CRIME NO. 285 OF 2015)

... RESPONDENT/COMPLAINANT IN BOTH PETITITONS

For Petitioner : M/S.M.VEILKANI RAJU Advocate IN CRL OP(MD)NO.15850/2015
For Petitioner : M/S.N.S.RAMAKRISHNA DASS Advocate
IN CRL OP(MD)NO.15853/2015

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side) in both petitions

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1, A2, A4 and A5 apprehend arrest at the hands of the respondent police for the alleged offences punishable under 120(b), 420, 468 and 506(i) of IPC, in Crime No.285 of 2015 on the file of the respondent police and hence, seek anticipatory bail respectively.

2. According to the de-facto complainant Sathish Narayanakumar, he is the absolute owner of the property situated in Survey No.204/4A of Panneerkulam village and the accused conspired together and attempted to grab his property by fake documents.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned counsel further submitted that A1 is the bona fide purchaser of the property by a registered sale deed, dated 30.08.2005 and he filed a suit in O.S.No.79 of 2012 before the District Munsif, Kovilpatti against the de-facto complainant for bare injunction and also filed I.A.No.413 of 2012 and considering the case of the accused and the de-facto complainant, the learned District Munsif has granted interim injunction and same is still in force. It is further submitted that the trial had already commenced in the suit and A1 has objected the documents attempted to be marked by the de-facto complainant and thereafter, this complaint was given after a lapse of three years.



4.The learned Government Advocate (Criminal side) submitted that A1 without having any right over the property, got the sale deed from A2 to A5 and claimed right over the property.

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

6.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 petitioner in Crl.O.P(MD)No.15850 of 2015 and the petitioners 1 and 2 in Crl.O.P(MD) No.15853 of 2015 shall appear before the respondent police as and when required for interrogation and the 3rd petitioner in Crl.O.P(MD)No.15853 of 2015 shall appear before the respondent police daily at 10.30 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.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/-
17/08/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN.

3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
TUTICORIN DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.VEILKANI RAJU Advocate SR.No.47208
+1. CC to M/S.N.S.RAMAKRISHNA DASS,Advocate SR.No.47204

ORDER IN

CRL OP(MD) Nos.15850 & 15853 of 2015
Date :17/08/2015