



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

Wednesday, the Second day of September Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16109 of 2015

1 SAMUEL RAJ
2 JEYA SAMUEL @ JEYA EBENEZER
3 JANAKIRAMAN @ KUMAR
4 A.P.PERUMAL ...PETITIONERS/ACCUSED NO. 1 TO 3 & 5

Vs

STATE REP BY INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO 109 OF 2015 ... RESPONDENT/COMPLAINANT

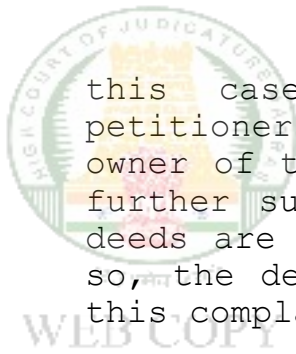
For Petitioner : M/S.V.SASIKUMAR Advocate
For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)
For Intervenor : MR.D.SARAVANAN, ADVOCATE

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 and A5 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 420, 465, 468, 471, 474 and 120 (B) of IPC, in Crime No.109 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant Karthick Kannan that he was acting as a land broker at Melapalayam, Tirunelveli District and also doing Real Estate business and on 22.08.2011, one Abraham, another land broker approached him and introduced the other accused and they represented that they had an agreement to purchase the land to an extent of 180 acres from one Thirupatti Sankar and his 33 friends and they are ready to sell the land at Rs.1.30 Lakhs per acre. It is his further case that the accused have received totally Rs.91,76,000/- and as per his instructions, they executed 18 sale deeds in favour of one Paramasivam to an extent of 26 acres and 21 cents and out of which, five sale deeds were executed on fake documents.



this case. The learned counsel further submitted that the petitioners have sold the property through proper documents and the owner of the properties has not given any complaint so far. It is further submitted that the receipt of money and execution of sale deeds are not in dispute and no civil case is also pending. While so, the de-facto complainant, who was acting as a broker has given this complaint with an ulterior motive.

4. It is further contended that A1 has issued a notice through his Advocate, dated 22.08.2015 requesting him to return three cheques drawn on Axis Bank and unfilled signed promissory notes and thereafter, A1 has also issued a letter to the Bank on 22.08.2015 for stop payment and only then, the present complaint was given and based on the direction issued by this court in CrI.O.P(MD)No.12678 of 2015, the case was registered against the petitioners.

5. Mr. D. Saravanan, learned counsel appearing for the intervenor as well as the learned Government Advocate (Criminal side) appearing for the State vehemently opposed granting anticipatory bail to the petitioners contending that the accused have executed the sale deeds with fabricated documents and hence, they are not entitled for anticipatory bail.

6. Considering the above 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, Nanguneri 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 petitioners 1, 3 and 4 shall appear before the respondent police daily at 10.00 a.m until further orders and the 2nd petitioner shall appear before the respondent police as and when required for interrogation. 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/-
02/09/2015

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Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
VIJAYANARAYANAM POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.SASIKUMAR Advocate SR.No.51154

+1cc to Mr.D.SARAVANAN, Advocate Sr.No.51454

ER

AA/14.09.2015/3p-7c

ORDER

IN

CRL OP (MD) No.16109 of 2015

Date : 02/09/2015