

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

Tuesday, the Twenty Second day of September Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16168 of 2015

1 RATHINAM

2 RAMACHANDRAN

3 SUNDARA PANDIAN

... PETITIONERS/ ACCUSED NO.1 TO 3

DURAIRAJ

... INTERVENER

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

MELUR POLICE STATION,

(IN CRIME NO. 629 OF 2015)

MELUR POLICE STATION

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.M.ARUMUGAM Advocate

For Intervener : M/S.S.SUKUMAR, ADVOCATE

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

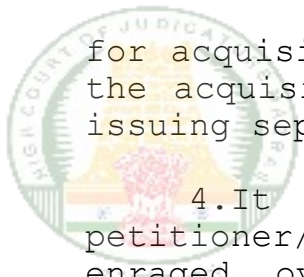
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offence punishable under section 420 of IPC, in Crime No.629 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant that the Government has acquired lands to an extent of 8.16 acres for construction of houses for Adi-Dravidar people and the first instalment of compensation was paid and in the year 2014, second instalment of Rs.67,95,668/- was ordered to be disbursed, in which he is entitled to Rs.17,14,000/- and A1 without depositing the amount in the account of the de-facto complainant, has misappropriated the same and also taken another sum of Rs.5,00,000/- towards fees for engaging a counsel. It is further case of the de-facto complainant that the share of his wife was also deposited in the account of A2 and A3, thereby cheated the de-facto complainant.

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 the first petitioner/A1 is the father of the petitioners 2 and 3/A2 and A3 and the de-facto complainant is none other than the father of A1. It is submitted that the land acquired by the Government belongs to the mother of the first petitioner/A1, who is the wife of the de-facto complainant. Though the de-facto complainant is not entitled to claim any share in the award passed



for acquisition of the lands, he was added as one of the parties in the acquisition proceedings and he was also paid Rs.17,14,000/- by issuing separate challan.

4.It is further contended that the mother of the first petitioner/A1 had settled some of her properties in favour of A1, enraged over the same and at the instigation of the first petitioner's brother, the present complaint is filed with an ulterior motive.

5.Mr.S.Sukumar, learned counsel appearing for the intervenor submitted that the de-facto complainant is a senior citizen aged about 75 years and acquisition proceedings were initiated by the de-facto complainant in the year 2000 and in the year 2014, the Government has deposited Rs.67,97,000/- into the court as 2nd instalment and instead of disbursing the amount to all the legal-heirs, A1 has swallowed the entire amount. It is further contended that A2 and A3 are the sons of A1, who are still pursuing their studies. While so, huge amount of Rs.15,20,400/- were deposited in the account of A2 and A3, which would reveal that the entire share of the de-facto complainant was misappropriated by the accused herein. The learned counsel further submitted that the wife of the de-facto complainant, without having any right, has settled some of the properties in favour of the accused, after the award passed in the Land Acquisition Proceedings.

6.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

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

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur 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 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.

9.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/-
22/09/2015

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TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

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

4 THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.56321

+1CC TO MR.S.SUKUMAR, ADVOCATE SR NO.56055

ORDER

IN

CRL OP(MD) No.16168 of 2015

Date :22/09/2015

rg.29.09.2015/GSV/PM/SAR-II. 3P/7C