



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

Thursday, the Third day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

WEB COPY

CRL OP(MD) No.16819 of 2015

1 S.ARUNACHALAM
2 S.P.KANNAN
3 CHELLADURAI
4 KASI VELAMMAL

... PETITIONERS /A1,A2,A6 & A7 ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, (ALGSC), POLICE
STATION, TUTICORIN, TUTICORIN DISTRICT.
CR. NO.11/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.RAJESH SARAVANAN Advocate

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

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

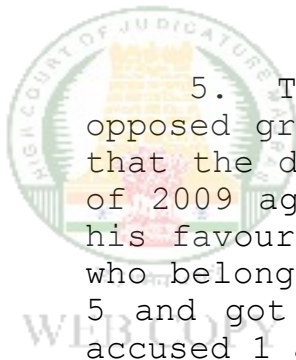
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1, 2, 6 and 7, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 420, 467, 468, 469 and 474 of I.P.C., in Crime No.11 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the prosecution, the accused 3, 4 and 5 having no right over the property in dispute, executed a power of attorney in favour of the accused 1 and 2 and based on the power, they have sold the property to A6 on 22.04.2009 and in turn, A6 sold the property to A7 in the year 2012.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that in respect of the property in dispute, the son of the de-facto complainant viz., Sankara Kumar has instituted a suit in O.S.No.200 of 2014 before the Sub Court, Tuticorin for declaration of title and partition claiming $\frac{1}{2}$ of the property.

4. The learned counsel for the petitioners further submitted that the accused 6 and 7 are innocent purchasers and the accused 1 and 2 were not aware of the right claimed by the accused 3 to 5 and therefore, their application can be considered.



5. The learned Government Advocate (crl.side) vehemently opposed granting of anticipatory bail to the petitioners contending that the de-facto complainant had already filed a suit in O.S.No.53 of 2009 against the accused 3 to 5 and an order was also passed in his favour on 01.12.2009, suppressing the fact the accused 1 and 2, who belong to the same village have conspired with the accused 3 to 5 and got a power of attorney in their favour and therefore, the accused 1 and 2 are not entitled for anticipatory bail.

6. The learned counsel for the petitioners seeks permission of this Court to withdraw this petition for the accused 1 and 2 and he has also made an endorsement to that effect.

7. In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn in respect of the petitioners 1 and 2/ accused Nos.1 and 2 and considering the overt act attributed against the petitioners/A6 and A7 as they are bona fide purchasers, this Court is inclined to grant anticipatory bail to the petitioners/ A6 and A7 with certain conditions. Accordingly, the petitioners 3 and 4 / A6 and A7 are ordered to be released on bail in the event of their arrest or on their appearance before the Anti Land Grabbing Special Court, Tuticorin and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further condition that the petitioner No.3/A6 shall appear before the respondent police daily at 10.00 a.m. until further orders and the petitioner No.4/A7 shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Judge 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/-
03/09/2015

/ TRUE COPY /

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

TO

1.THE ANTI LAND GRABBING SPECIAL COURT, TUTICORIN.

2.THE ADDL. PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3.THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, (ALGSC),

POLICE STATION, TUTICORIN, TUTICORIN DISTRICT.

+1. CC to M/S.B.RAJESH SARAVANAN Advocate SR.No.52244

ORDER IN

CRL OP(MD) No.16819 of 2015

Date :03/09/2015