



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

Friday, the Fourth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17050 of 2015

1 SEKAR
2 KANAGARAJ
3 KRISHNASAMY

... PETITIONERS/ ACCUSED NO.1 TO 3

Vs

THE STATE THRO
THE SUB INS OF POLICE
PANTHALKUDI POLICE STAION
VIRUDHUNAGAR DISTRICT
CRIME NO.155 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MUNIYANDI Advocate
For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

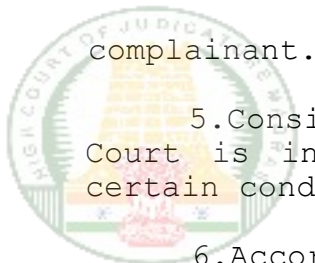
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 420, 506(i) of IPC, in Crime No.155 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant namely S.Dhanalakshmi Ammal, she purchased lands to an extent of 2 Acres 92 cents in Survey No.825/3 and 825/4 [New Survey No.825/1 through a sale deed, dated 14.06.1963, but the accused, by fabricating documents sold the same to A3.

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 property is an ancestral property and it was originally standing in the name of Sri Ram Chettiar, the father of one Pathmanapan and on 08.05.2008, Pathmanapan executed a power of attorney in favour of A1 and based on the power, A1 sold the property to A2 on 15.12.2008 and thereafter, A2 executed a sale deed in favour of A3 on 21.04.2011. It is further submitted that the Andagal was standing in the name of Sri Ram Chettiar and UDR patta was also issued by the revenue authorities in his name and on 25.10.2000, the said Pathmanapan had mortgaged the property with the Co-operative society and obtained loan and thereafter, redeemed the property.

4.The learned Government Advocate (Criminal side) appearing for the services provided by the Government of India submitted that the de-facto complainant is the owner of the property, by virtue of the sale deed, dated 14.06.1963 and the accused have created documents to grab the property of the de-facto



complainant.

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, Aruppukottai 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 10.00 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/-
04/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT
- 3 THE SUB INS OF POLICE, PANTHALKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S S.MUNIYANDI Advocate SR.No.52027.

ORDER
IN
CRL OP(MD) No.17050 of 2015
Date :04/09/2015

2P/6C
AM/GSV.PM/SAR-I/08.09.2015.