



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty First day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17127 of 2015

WEB COPY

VEERAVENI

..PETITIONER/4th ACCUSED

MUTHUSAMY

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

DCB, ALGSC, DINDIGUL DISTRICT.

(CRIME NO. 6 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S D.VENKATESH Advocate

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

For Intervenor : Mr.D.SELVARAJ, Advocate

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

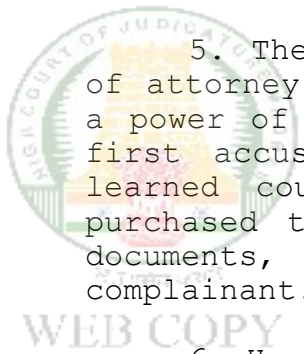
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 465, 468 and 506(i) of I.P.C., in Crime No.6 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, that on 08.02.2006, he purchased the properties totally 13 acres and 95 cents in various survey numbers through registered sale deeds from one Jegathambal and her children. While so, the first accused obtained a power of attorney from the fourth accused on 23.09.2013 and sold the property to the second accused, who is his sister-in-law and in turn, the second accused has executed a settlement deed in favour of A3, who is the wife of the first accused.

3. The learned counsel for the petitioner submitted that the petitioner's husband by force, obtained a power of attorney in his favour which was misused by the first accused to create encumbrance over the property and that the first accused has also created a receipt as if the petitioner has received Rs.16 lakhs from the first accused at the time of execution of the power of attorney. The learned counsel would contend that the petitioner/A4 did not receive any amount, much less Rs.16 lakhs from the first accused and that the marriage of this petitioner was dissolved in H.M.O.P.No.11 of 2012 by the Sub Court, Palani on 19.07.2013.

4. The learned counsel for the petitioner further submitted that the third accused has filed a suit in O.S.No.480 of 2014 before the Sub Court, Palani against the fourth accused and the de-facto complainant, for consideration. It is further submitted that the accused 2 and 3 were granted anticipatory bail by this Court.



5. The learned counsel for the intervenor submitted that the power of attorney shows that the petitioner / fourth accused wanted to execute a power of attorney in favour of her husband, which was misused by the first accused to grab the property of the de-facto complainant. The learned counsel further submitted that the de-facto complainant has purchased the property in the year 2006, but due to creation of some documents, a serious doubt is created over the title of the de-facto complainant.

6. Heard the learned Government Advocate (Crl.side).

7. Considering the facts and circumstances of the case, this Court is of the opinion, the first accused with a view grab the property of the de-facto complainant has created the documents, so his petition for anticipatory bail was rejected by this Court. So this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or on her appearance before the learned Judicial Magistrate No.II, Dindigul and on her 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 shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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/-
21/09/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

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

4 THE INSPECTOR OF POLICE, DCB, ALGSC, DINDIGUL DISTRICT.

+1. CC to M/S D.VENKATESH Advocate SR.No.55913

+1cc to M/s.D.SELVARAJ, Advocate in SR.No.55898

ORDER IN
CRL OP(MD) No.17127 of 2015
Date :21/09/2015

PBK/GSV-PM/SAR-I 30/09/2015 ::2P-7C::