



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

Thursday, the Fifth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) Nos.1758 & 1759 of 2015

WEB COPY

1 KARPURAVALLI
2 MURUGESAN
3 VIJAYALAKSHMI

... PETITIONERS/ACCUSED Nos.2,7 & 9
IN CRL OP(MD)NO.1758/2015

1.JANAKIAMMAL
2.GANDHIMATHI

... PETITIONERS/ACCUSED Nos.1 & 5
IN CRL OP(MD)NO.1759/2015

SENTHIL KUMAR

... INTERVENER IN BOTH PETITIONS

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURIA CITY,
MADURAI.
CR.NO.8/2015.

... RESPONDENT/COMPLAINANT IN BOTH PETITIONS

For Petitioner : M/S.S.SARAVANAKUMAR, Advocate in both petitions
For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)
in both petitions
For Intervener : MR.D.SENTHIL, Advocate in both petitions

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 120(b) IPC, in Crime No.8 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel appearing for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent police and the learned counsel appearing for the intervener.

3. The learned counsel appearing for the intervener strongly objects to the grant of Anticipatory Bail to the petitioners.

4. The *de facto* complainant, in this case, is a practising Advocate. According to the *de facto* complainant, he had entered into an agreement with the petitioners herein for the purchase of their lands, on 28.06.2009 and also obtained power of attorney from them on 30.07.2009 and that these petitioners had suppressed about the litigation in the property in question.

5. Pursuant to the direction issued under Section 156(3) of the Code of Criminal Procedure by the learned Judicial Magistrate No.I, Madurai, the present case has been registered. On a perusal of the sale agreement, dated 28.06.2009, and the power of attorney, dated



30.07.2009, it is clear that the property in question belongs to one Rathinammal, on whose death, her daughters, by names, Janakiammal, Karpoorvalli, Jegathambal and Gomathi inherited the property. The said Gomathi was claiming exclusive rights to the property based on the alleged Will, which was left by her mother - Rathinammal. Therefore, she filed O.S.No.65 of 1997 against her sisters and the said suit was decreed in her favour. Her sisters preferred A.S.No.22 of 2001, which was allowed by the learned Appellate Court. The *de facto* complainant has entered into an agreement with the sisters, namely Janakiammal, Karpoorvalli and Jegathambal and had obtained power of attorney from them, on 30.07.2009. Even in the power of attorney, the petitioners have not suppressed anything and had disclosed about the filing of O.S.No.65 of 1997. The grievance of the *de facto* complainant is that the petitioners did not disclose the fact that the said Gomathi filed S.A.No.188 of 2004 before this Court, challenging the Judgment made in A.S.No.22 of 2001.

6. I am unable to countenance this argument of the *de facto* complainant, for the simple reason that the *de facto* complainant himself is an Advocate and he has entered into the agreement knowing full well that the property in question is facing litigation. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

05/02/2015

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

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

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURIA CITY, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SARAVANAKUMAR Advocate SR.No.5382

+2CCs to M/S.D.SENTHIL, Advocate SR.Nos.5434 & 5435

ORDER

IN

CRL OP(MD) Nos.1758 & 1759 of 2015

Date :05/02/2015

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