



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.17924 of 2015

1 M.RENGARAJAN  
2 K.RAJENDRAN  
3 KAKKUS BASKARAN

..PETITIONERS/ACCUSED 7,8 and 6

Vs.

STATE REP.BY  
THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, RAMANATHAPURAM,  
(CR.NO.45/2015)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S R.BABU JAGANATH Advocate  
For Respondent : 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 A7, A8 and A6 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 294(b), 468, 471, 474, 420 and 506(i) IPC r/w 120(b) IPC, in Crime No.45 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, her mother Kamarunisha Beevi became the absolute owner of the property comprised in Survey No.451/2B of Pattanam kathan village to an extent of 2.85 acres, by virtue of sale deed, dated 08.07.1980 and in the year 2003, her property was partitioned and she executed a settlement deed in favour of her children. A1 to A3 had received Rs.60,00,000/- from the de-facto complainant and executed a power of attorney in favour of her father on 19.12.2007 and also handed over the original document and possession of the land to the de-facto complainant and thereafter, she developed a lay out in that area. While so, A1 and A2 with the connivance of the other accused had executed a power of attorney on 15.06.2015 to grab the property of 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 de-facto complainant is none other than the sister of A1 to A3 and A4 is the husband of A2 and A5 is the husband of A1.

4.The learned counsel further submitted that A1, A2, A4 and A5 are residing in abroad and for maintaining the property, they executed a power of attorney in favour of the de-facto complainant, but without the knowledge and consent of A1 to A3, she developed a lay out in that area and attempted to sell the property to third parties. Therefore, A3 had cancelled the power of attorney executed by the de-facto complainant in the year 2010 and A1 and A2 had also cancelled the power of attorney in the year 2015 and in turn, they executed a power of attorney in favour of A6.



5.The learned counsel further submitted that even as per the complaint, A1 to A3 have received Rs.60,00,000/- from the de-facto complainant in the year 2007 and in the year 2015, a power of attorney was executed by A1 to A3 in favour of A6, in which A7 and A8 are signed as witnesses. It is further contended that the dispute between A1 to A3 and the de-facto complainant is purely civil in nature and instead of approaching a competent civil court, this criminal case was registered against the accused with an ulterior motive.

6.The learned Government Advocate (Criminal side) appearing for the respondent vehemently opposed granting of anticipatory bail to the petitioners contending that the de-facto complainant had paid Rs.60,00,000/- to the accused 1 to 3 on 19.12.2007 and she became the absolute owner of the property and in the year 2015, the power of attorney was cancelled by A1 to A3 with a view to cheat the de-facto complainant and therefore, the accused are not entitled for anticipatory bail.

7.However, considering the facts and circumstances of the case and also considering the nature of allegations made against the petitioners, 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 No.II, Ramanathapuram 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.

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

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, RAMANATHAPURAM.

+1. CC to M/S R.BABU JAGANATH Advocate SR.No.56050

Akm/01.10.2015 /2p-6c/

ORDER

IN

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Date :22/09/2015