



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.18257 of 2015

1 S. ALLIRANI

2 R. SIVASANKARAN

... PETITIONERS/ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. NOT KNOWN OF 2015

... RESPONDENT/COMPLAINANT

M.VEERAPPAN

... PETITIONER/INTERVENOR/
DEFACTO-COMPLAINANT

FOR PETITIONER : M/S.G.MARIMUTHU ADVOCATE

FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

FOR INTERVENOR : MR.B.VINOTH BALAN, ADVOCATE

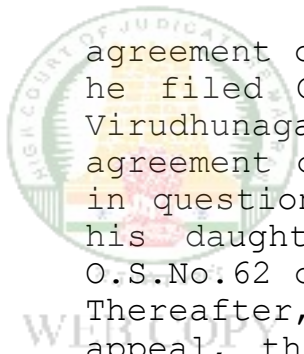
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence punishable under sections 197, 465, 472, 420, 255 and 468 of I.P.C, in Crime No.820 of 2015, seek anticipatory bail.

2.The case of the prosecution is that one Senthamarai Selvi is the absolute owner of the property in question measuring 2 acres 36 cents. She has executed a power of attorney appointing the defacto complainant as her power agent. When he made arrangements to sell the property, he came to know that the second petitioner entered into an agreement of sale with other legal heirs of one Ganapathy Moopanar. Therefore, he gave the complaint and the same was registered in Crime No.820 of 2015 for the offences stated above.

3.The case of the first petitioner is that she is the stamp vendor. She is nothing to do with the transaction except selling the stamp papers for preparation of agreement of sale. The second petitioner filed O.S.No.54 of 2010 on the file of the Sub Court, Aruppukkottai against the said Senthamarai Selvi and four others. The second petitioner contended that he entered into an agreement of sale with so many persons including the legal heirs of Ganapathy Moopanar in respect of the same property of 3/4th share. After



agreement of sale, they did not complete the transaction. Therefore, he filed O.S.No.124 of 2009 on the file of the District Court, Virudhunagar for execution of sale deed. He has entered into an agreement of sale with the original owner. Originally, the property in question belongs to Ganapathy Moopnar. After his death, one of his daughter Deivanai Ammal, mother of Senthamarai Selvi filed O.S.No.62 of 1985 for partition. The trial Court dismissed the suit. Thereafter, she filed an appeal in A.S.No.1133 of 1988. Pending appeal, the said Deivanai Ammal died. Therefore, Mr.K.Ramalingam, the husband of Deivanai Ammal, father of Senthamarai Selvi was brought on record and they became owners of the property. By the Will dated 16.12.2008, the said Ramalingam has handed over the property to Senthamarai Selvi. The other legal heirs on the intention to cheat Senthamarai Selvi entered into an agreement of sale with the second petitioner in respect of the same property. Hence, civil suits are pending before the competent Courts.

4.The learned Government Advocate(crl. Side) appearing for the State would submit that the petitioners have filed this petition for anticipatory bail before registering the FIR. Now, FIR has been registered in Crime No.820 of 2015 for the offences under Sections 197, 465, 472, 420, 255 and 468 of I.P.C and that the investigation is pending.

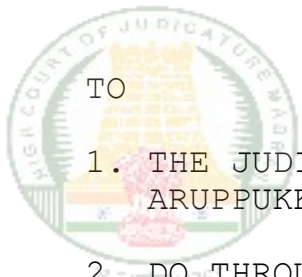
5.Heard the learned counsel appearing for the intervenor.

6.Considering the fact that this Court by the Judgement and decree dated 13.07.2004 in A.S.No.1133 of 1988 granted 1/4th share to the vendor of Senthamarai Selvi and other legal heirs have given 3/4th share and that the civil suits are pending, this Court is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aruppukkottai and on executing a personal 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 first petitioner shall appear before the respondent police as and when required and that the second petitioner 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/-
23/11/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE ,
ARUPPUKKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
3. THE INSPECTOR OF POLICE,
ARUPPUKKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO M/S.G.MARIMUTHU, ADVOCATE IN SR.No. 67189
+ 1 CC TO MR.B.VINOTH BALAN, ADVOCATE IN SR NO. 67110

ORDER
IN
CRL OP (MD) No.18257 of 2015
Date :23/11/2015

3P/7C
TE/AAL-MPA/SAR-I : 03/12/2015