



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

Friday, the Thirtieth day of October Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19374 and 20013 of 2015

R. GURUSAMY

... PETITIONER / ACCUSED (RANK NOT KNOWN)
in Crl.OP.(MD).No.19374/2015

SARADHAMANI

... PETITIONER/ACCUSED (RANK NOT KNOWN)
in Crl.OP.(MD).No.20013/2015
Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL.
(CRIME NO.42 OF 2015)

... RESPONDENT / COMPLAINANT
in both the petitions

For Petitioner : M/S.T.LENIN KUMAR Advocate in both the petitions

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)
in both the petitions

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 406, 420, 465, 468, 471 of IPC in Crime No.42 of 2015 and hence, seek anticipatory bail.

2.According to the defacto complainant, when he along with four others were jointly running a business of yarn, they purchased the properties jointly in and around their factory. While so, the accused by forging the signature of the defacto complainant, executed a release deed on 14.8.1991 and based on the release deed, A1 sold the property to his wife/A2 on 12.9.2000 and thereby cheated the defacto complainant.

3.The learned counsel for the Petitioners submitted that the first accused along with the defacto complainant and three other persons running a business and in the year 1987, they purchased landed properties in their individual names and not in the name of the partnership firm.

4.It is further submitted that the partnership business was looked after by Ramasamy and Amirthanathan and due to their mis-management, business sustained loss. So the firm was not able to repay the loan amount to the Indian Bank, Palani. It is further submitted that on 22.7.2000, all the partners of the firm have agreed that the entire loan amount would be repaid by the first accused and as per the agreement, the first accused repaid the entire loan amount and the bank issued a receipt dated 27.2.2002. It is further contended that in the year 2013, the defacto complainant preferred a complaint to the Superintendent of Police, Dindigul District and after conducting a through enquiry, it was closed as 'mistake of fact'. It is further submitted that after repaying the entire loan amount, other partners gave possession of the entire land to the second accused and since there was interference by other partners, the second accused instituted a suit in O.S.No.310 of



2013 before the District Munsif Court, Palani for bare injunction and after receiving notice in the suit, the defacto complainant preferred the present complaint and on the basis of the direction issued by this Court in Crl.O.P.No.12140 of 2015, a case was registered.

5.The learned Government Advocate(Crl.side) submitted that the accused by forging the signature of the defacto complainant executed a released deed on 14.8.1991 and thereafter A1 sold the property to the second accused and the investigation is at prime stage and for recovery of the material documents, custodial interrogation of the Petitioners are necessary in this case.

6.Considering the facts and circumstances of the case stated above I am 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 No.II, Dindigul and on 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 to the learned Magistrate concerned and on further condition that the petitioner in Crl.O.P(MD)No.19374/15 shall appear before the respondent police daily at 10.30 A.m until further orders and the Petitioner in Crl.O.P.No.20013 of 2015, being women-folk shall appear before the respondent police daily at 10.30 A.M for a period of one week and thereafter as and when required for interrogation. 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/-

30/10/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.64174
+1cc to M/s.T.Lenin Kumar, Advocate SR.No.64173

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ORDER

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