



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

Monday, the Twenty Sixth day of October Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.19746 of 2015

1MARIA SOOSAI@SOOSAI

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE

NATCHIYAPURAM POLICE STATION,

SIVAGANGAI DISTRICT.

(CRIME NO. NOT KNOWN OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.PON KARTHIKEYAN Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

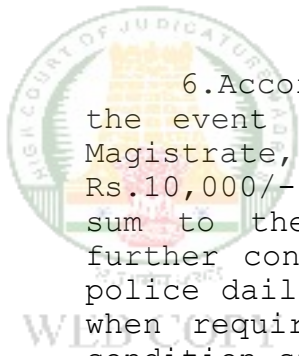
The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 465, 468, 120-B and 420 of IPC, in Crime No.116 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that his father owned property comprised in survey Nos.78/9 and 81/1 to an extent of 2.36-1/4 acres at Keeranipatti village and he died on 11.01.1996 leaving behind the de-facto complainant and six others as his legal-heirs. When the de-facto complainant is having share in the property, A1 without his knowledge and consent sold the same through a power agent on 26.06.2009 and thereby, cheated the de-facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the de-facto complainant is none other than the own brother of A1 and based on the family partition, A1 had executed a power of attorney in favour of the petitioner/A2 on 26.06.2009 and based on the power of attorney, he sold the property to A3 on 10.07.2009 and in-turn A3 sold the property to A4 on 02.02.2010 and A4 had sold the property to A5 on 14.08.2010. While so, the de-facto complainant has preferred the present complaint, after six years with an ulterior motive.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent.

<https://hcservices.5.outsourcing.in/hcservices/> the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thiruppathur and on his 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 daily at 10.00 a.m for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
26/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE, NATCHIYAPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.PON KARTHIKEYAN Advocate SR.No.62414

ORDER
IN
CRL OP(MD) No.19746 of 2015
Date : 26/10/2015

GJM/GSV/PM/SARII-28.10.15-2P-6C