



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

Friday, the Thirtieth day of January Two Thousand Fifteen

PRESENT

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The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.19954 of 2014

1 PETCHI KANI
2 BOOPAL RAJA MANOHARAN
3 MANIRAJ
4 GOVINDASAMY
5 P.S. LINGADURAI ... PETITIONERS/ACCUSED NO. 1 TO 5

Vs

STATE REP BY THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION, THOOTHUKUDI DIST
CRIME NO.335/2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.PON KARTHIKEYAN Advocate
For Respondent : MR.C.RAMESH Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.335 of 2014, on the file of the respondent police for offences under Section 420 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, the petitioners are now before this Court seeking Anticipatory Bail.

2. This case has been registered pursuant to the direction under Section 156(3) Cr.P.C. issued by the learned Judicial Magistrate, Sathankulam. This Court already referred the matter to the Mediation Centre for settlement and the Mediation Centre has sent a failure report on 05.01.2015.

3. It is the case of the de-facto complainant that he had borrowed Rs.2 lakhs from the accused as a loan and towards that he had given his property only as a mortgage, but whereas the accused have obtained a sale agreement and a power of attorney from the de-facto complainant in respect of the said property. Even according to the de-facto complainant, the incident occurred on 10.10.2011. The complaint was given only on 31.10.2014 and the case was registered.



4. It is seen that the de-facto complainant and the first petitioner have gone to the Sub Registrar Office, Kommattikottai on 10.10.2011 and the de-facto complainant has executed a sale agreement in favour of the first petitioner and has also given a power of attorney on the same day. Both the documents have been registered on 10.10.2011.

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5. It is not the case of the de-facto complainant that this petitioner had impersonated him and had fabricated a sale agreement and a power of attorney. Now, the property value is raised and therefore, the de-facto complainant has taken up a stand he did not know that the petitioners were obtained a sale agreement and a power of attorney on 10.10.2011.

6. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioners, but with conditions. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance within a period of 15 days from the date of receipt of a copy of this order before the learned Judicial Magistrate, Sathankulam, on executing a separate 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 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 first petitioner shall report before the respondent police as and when required and the petitioners 2 to 5 shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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].

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side), whether these petitioners are complying with the order or not.

sd/-
30/01/2015

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- TO
- 1 THE JUDICIAL MAGISTRATE, SATHANKULAM
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN
 - 3 THE INSPECTOR OF POLICE, THATTARMADAM POLICE STATION, THOOTHUKUDI
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.PON KARTHIKEYAN Advocate SR.No.4405

ORDER
IN
CRL OP(MD) No.19954 of 2014
Date :30/01/2015

AA/05.02.2015/3p- 6c/