



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

Wednesday, the Eleventh day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.2008 of 2015

1 MUTHUTHANDAVAN

2 KARUPPASAMY ... PETITIONERS/ACCUSED NO. 1 & 4

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR & DIST,
CRIME NO.2/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAMASAMY Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

For Intervenor : MR. SHEIK ABDULLAH Advocate

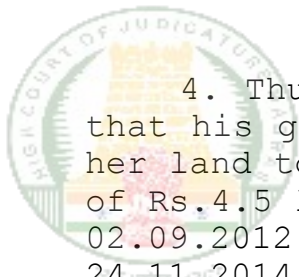
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 468, 469, 471 and 420 IPC in Crime No.2 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the Intervenor and and the learned Government Advocate (Crl.Side) appearing for the State.

3. The land in question measuring 2 acres 61 cents belongs to Chandrasekaran / defacto complainant, who entered into a sale agreement on 09.08.2008 with the 1st petitioner herein for selling his land for a total sale consideration of Rs.9,39,060/-. After entering into the agreement, Chandrasekaran executed a sale deed dated 05.09.2008 in favour of the 1st petitioner after receiving a sum of Rs.4,89,060/-. Thus, the 1st petitioner had to pay the balance amount of Rs.4,50,000/- to the defacto complainant. For this, the 1st petitioner's grand-mother, namely, Gnanavalli (A2) gave a Power of Attorney dated 01.09.2008 in favour of Chandrasekaran in respect of a property owned by her in lieu of the balance sale consideration of Rs.4.5 lakhs by the 1st petitioner to Chandrasekaran. After having given the Power of Attorney on 01.09.2008, it is alleged that Gnanavalli sold the property to her grand-son / 1st petitioner on 02.09.2012 . In the sale deed dated 02.09.2012, Karuppasamy (2nd petitioner herein) has signed as a witness.



4. Thus, it is clear that the 1st petitioner, knowing full well that his grand-mother had given the Power of Attorney in respect of her land to Chandrasekaran in lieu of the balance sale consideration of Rs.4.5 lakhs, has obtained the sale deed from his grand-mother on 02.09.2012 and in turn sold the property also to one Kannan on 24.11.2014.

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5. Taking into consideration the serious nature of allegations against the 1st petitioner, this Court is not inclined to grant anticipatory bail to him. As regards the 2nd petitioner is concerned, he has merely signed as witness in the sale deed dated 02.09.2012. I am inclined to grant anticipatory bail to the 2nd petitioner alone. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute 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 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 2nd petitioner 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 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the 2nd petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

6. This petition in respect of the 1st petitioner is dismissed.

sd/-
11/02/2015

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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,VIRUDHUNAGAR
- 2 THE CHIEF JUDICIAL MAGISTRATE,VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, VIRUDHUNAGAR
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMASAMY Advocate SR.No.6362

+1cc to Mr.M.SHEIK ABDULLAH,Advocate Sr.No. 6360

ORDER

IN

CRL OP(MD) No.2008 of 2015

Date :11/02/2015

AA/18.02.2015/3p- 7c/