



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.20095 of 2015

S. SHANTHI

... PETITIONER/ ACCUSED NO.6

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI, KANYAKUMARI DISTRICT.
(CR.NO. 64/15)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S A.HAJA MOHIDEEN Advocate

For Respondent : MS.S.PRABHA, Govt. Advocate (Crl. Side)

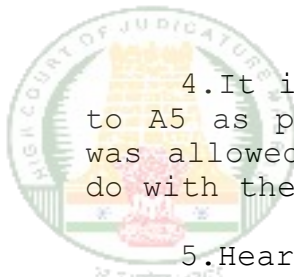
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A6 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 419, 465 and 420 of IPC, in Crime No.64 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that A1 to A5 are owners of the property in dispute and based on the power of attorney executed by A2 to A5, A1 had agreed to sell the property to the de-facto complainant and they entered into an agreement of sale on 26.08.2010, which was also registered as document No.1965 /2010. While so, by committing impersonation, they have cancelled the agreement of sale and thereby, cheated the de-facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and she has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the property was originally owned by one P.Devan, s/o.Ponnurangan and due to dispute over the property, a suit was filed before the civil court for declaration of title and the de-facto complainant promising to help A1 to A5 has entered into an agreement of sale on 26.08.2010, but subsequently, he did not extend this help and thereafter, he himself came forward to cancel the sale agreement on 05.03.2012 and after a lapse of three years, the present complaint is filed with an ulterior motive.



4.It is further submitted that the petitioner/A6 was appointed by A1 to A5 as power agent to pursue the appeal in S.A.No.696 of 2013, which was allowed on 29.04.2015 and except that, the petitioner is nothing to do with the transaction with A1 to A5 and the de-facto complainant.

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

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Kulithurai and on her 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 as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.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 NO.II, KULITHURAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
KANYAKUMARI, KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.HAJA MOHIDEEN Advocate SR.No.62387

ORDER

IN

CRL OP(MD) No.20095 of 2015

Date :26/10/2015

NS/JGB/SAR I/28.10.2015 : 2P/6C