



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.20224 of 2015

1 MUTHUVEDAI
2 ANGAMMAL
3 MURUGAN
4 LAKSHMI
5 VADIVEL

... PETITIONERS/ACCUSED No.1 to 5
Vs

THE STATE REP BY THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION,
MADURAI,
MADURAI DISTRICT.
[CRIME NO. 146/2015]

... RESPONDENT/COMPLAINANT

For Petitioner : M/S B.JEYAKUMAR Advocate
For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A5 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 471, 468, 420, 294(b) and 506(i) IPC in Crime No.146 of 2015 and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely, Veeranan was acting as an agent for MRMR Estates private limited company situated at Chennai and the accused have approached him to sell their property to an extent of 2.8 acres in S.No.47/6A2 of Cholangurini village and after giving all the original documents and patta, executed the power of attorney in the year 2007 and also received the entire sale consideration of Rs.27 lakhs. While so, one Gurunathan cousin brother of the second accused claimed right over the property and also obtained a judgement in his favour which was suppressed by the accused and thereby cheated the company.

3.The learned counsel for the Petitioners submitted that the defacto complainant is not the owner of the property in dispute and when the first Petitioner/husband was alive, he along with his two daughters A2 and A4, executed a power of attorney on 16.8.2007 in favour of one M.K.Mohan Radha. Based on the power of attorney, the said Mohan Radha sold the entire property to M.R.M.R.Estates Private Limited Company.



4.The learned counsel further submitted that the defacto complainant is a President of the local village panchayat and he is expecting commission for all sales made in their village. Since the accused have refused to give commission to the defacto complainant, he started preferring complaints against the accused one after another and this is the fourth complaint given by him.

5.The learned counsel submitted that the cousin brother of the second accused namely Gurunathan and defacto complainant are close friends and at the instigation of the defacto complainant, the said Gurunathan lodged a suit in O.S.No.205 of 2011 before the District Munsif Court claiming right over one of the properties and also obtained an exparte decree. Thereafter, the accused have filed a set aside petition along with their written statement and contesting the suit and in the meanwhile taking advantage of the exparte decree, present complaint was filed against them. It is further contended that the dispute between the accused and defacto complainant is purely civil in nature and the criminal complaint is not maintainable in law.

6.The learned Government Advocate(Crl.Side) submitted that the defacto complainant is the President of the local panchayat and the accused by suppressing the civil proceedings sold their property to the company for Rs.27 lakhs and therefore they are not entitled for the relief of anticipatory bail.

7.Considering the facts and circumstances of the case as 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 his appearance before the learned Judicial Magistrate No.VI, Madurai 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 petitioners 3 and 5 shall appear before the respondent police daily at 10.30 A.m for a period of two weeks and thereafter as and when required and the Petitioners 1,2 and 4 being women-folk shall appear before the respondent Police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. 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

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE, PERUNGUDI POLICE STATION,
MADURAI, MADURAI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S B.JEYAKUMAR Advocate SR.No.64067

ORDER

IN

CRL OP (MD) No.20224 of 2015

Date : 30/10/2015

AA/AMF/SAR-II/06.11.2015/3p-6c