



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

Monday, the Nineteenth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.20717 of 2014

WEB COPY

1 MUNIYANDI
2 M. MUTHURAMALINGAM
3 K. SELVAM
4 MUNIEESWARI
5 M. JOTHILAKSHMI

... PETITIONERS/ACCUSED NOS.1 TO 5

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DT, CRIME NO.668/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.SUDALAIYANDI Advocate

For Respondent : MR.A.P.BALASUBRAMANI, 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.668 of 2014, on the file of the respondent police for offence under Sections 420, 406 and 506(i) IPC, the petitioners/A1 to A5 are now before this Court seeking Anticipatory Bail.

2. It is the case of the prosecution that the defacto complainant's husband name is Sivalingamuni and he is the brother of Muniyandi (A1). The said Sivalingamuni had filed a suit for partition in respect of a property in which Muniyandi was a defendant. The partition suit also ended in favour of Sivalingamuni and a preliminary decree was passed. The said Sivalingamuni died and the defacto complainant being a widow stepped into its shoes. While so, it is seen that Muniyandi (A1) and his son Muthuramalingam (A2) had sold the property to Jothilakshmi and they created encumbrance in the property.

3. Since the allegations against Selvam (A3) and Munieeswari (A4) is not very serious, this Court is inclined to grant anticipatory to them, but with certain conditions.

4. As regards the allegation against Muniyandi (A1), Muthuramalingam (A2) and Jothilakshmi (A5) are very serious inasmuch as Jothilakshmi (A5) knowing full well that her vendor does not have the title, had purchased the property and created encumbrance so as to diminish its value and hence, this petition is dismissed as regards the petitioners 1, 2 and 5/A1, A2 and A5.

5. Accordingly, the petitioners 3 and 4/A3 and A4 are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate, Rajapalayam 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 petitioners 3 and 4/A3 and A4 shall report before the respondent police as and when required for interrogation.

[b] the petitioners 3 and 4/A3 and A4 shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 3 and 4/A3 and A4 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 3 and 4/A3 and A4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4/A3 and A4 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].

sd/-
19/01/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVLLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SOUTH POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.SUDALAIYANDI Advocate SR.No.2082

ORDER
IN
CRL OP(MD) No.20717 of 2014
Date :19/01/2015

PA/22.01.15/1P/6C