



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.20946 of 2014

SEBASTIAN

... PETITIONER(S) / ACCUSED No.1

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH ALGSE,

RAMANATHAPURAM DT, CRIME NO.47/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. J.SULTHAN BASHA Advocate

for AJMAL ASSOCIATES Advocate

For Respondent : Mr.A.P.Balasubramani Government Advocate (Crl. Side)

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

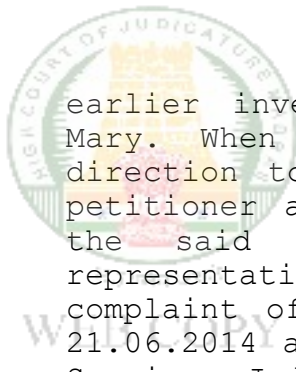
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 423, 465, 467, 468, 471 r/w 120(b) IPC in Crime No.47 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State. The Investigating Officer is also present.

3. The defacto complainant is one Arputha Mary. The land in question belongs to one Saverimuthu, who is the father-in-law of the defacto complainant. Father-in-law of the defacto complainant died several yeasrs back. The petitioner herein is Sebastian, whose father's name is also Saverimuthu. It is alleged by the defacto complainant that this petitioner and other accused in this case had taken Saverimuthu, father of this petitioner, to the Sub-Registrar's office and impersonated the defacto complainant's father-in-law Saverimuthu and registered a Power of Attorney in favour of one Periyamuthu (A5). Thereafter, Periyamuthu (A5) entered into a sale agreement with one Ramadass (A6), who is the Power Agent of R.K.Bio Technologies Pvt. Ltd. With the sale agreement, the property has been registered in the name of A7 (Andal Arumugam), who is the Managing Director of R.K.Bio Technologies Pvt. Ltd.

4. It appears that learned Principal Sessions Judge, Ramanathapuram has granted anticipatory bail to the co-accused in Crl.M.P.No.2631 of 2014 on 18.11.2014 by an elaborate order. Learned Sessions Judge found that



earlier investigation was conducted on the complaint filed by Arputha Mary. When Arputha Mary filed CrI.O.P.(MD) No.11356 of 2014 for a direction to register a case on her complaint, she has also made this petitioner as a respondent in that petition. This Court has disposed of the said CrI.O.P.(MD) No.11356 of 2014 on 08.10.2014, on the representation of learned Government Advocate (CrI.Side) that the complaint of Arputha Mary was enquired into and the same was closed on 21.06.2014 and she has been advised to approach the Civil Court. Learned Sessions Judge also found that Arputha Mary is not the only heir of the property and that there are other relatives of Arputha Mary, namely, Arul (husband of the defacto complainant), Susai and Arockiamary, who are brother and sister of Arul. Learned Sessions Judge further found that A7 has filed a suit in O.S.No.34 of 2014 before the learned District Munsif, Thiruvadanai for a declaration that she is the absolute owner of the property and also for grant of permanent injunction. The defacto complainant herein has been made as defendant in the suit. Taking all these factors into consideration, anticipatory bail seems to have been granted to the co-accused in this case by the learned Sessions Judge.

5. In the light of the fact that co-accused have been granted anticipatory bail and the matter is seized of by the Civil Court, I am inclined to grant anticipatory bail to this petitioner. Accordingly, the 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 Court, Ramanathapuram, 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 petitioner shall report before the respondent police daily at 06:30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioner shall give his specimen signature, thumb impression, specimen handwriting to the respondent police, when demanded by them

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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].

sd/-
11/02/2015



TO

1 THE JUDICIAL MAGISTRATE, RAMANATHAPURAM.

2 Do Through THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH ALGSE, RAMANATHAPURAM DISTRICT.

+1. CC to M/S. AJMAL ASSOCIATES Advocate SR.No. 6372.

TS/16.02.2015/2P-6C

ORDER

IN

CRL OP (MD) No.20946 of 2014

Date :11/02/2015