



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

Tuesday, the Tenth day of February Two Thousand Fifteen
PRESENT

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

CRL OP(MD) No.2185 of 2015

WEB COPY

1 VINCENT RAJA
2 CHARLES

... PETITIONERS/ACCUSED NOS.1 AND 2

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
CR.NO.32 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D. SENTHIL Advocate

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

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 294(b), 420 and 506(ii) IPC in Crime No.32 of 2015 on the file of the respondent police, seek anticipatory bail.

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

3.It is the case of the prosecution that the de-facto complainant was given a Power of Attorney on 03.01.2011 by these petitioners in respect of the property belonging to them. Later on, these petitioners have cancelled the Power of Attorney on 09.03.2013. Now, it is alleged by the de-facto complainant that he had paid Rs.40 Lakhs to these petitioners, but whereas petitioners had cancelled the Power of Attorney behind his back.

4.It is seen that the property in question belongs to the petitioners and they have entered into a sale agreement with one Murugan on 08.12.2010 and at the instance of Murugan, the petitioners had given the Power of Attorney to the de-facto complainant on 03.01.2011. Thereafter, there appears to be some dispute between the said Murugan



and these petitioners, on account of which the Power of Attorney was cancelled. Now, the dispute has been settled and the property has been agreed to be sold to the said Murugan. As the de-facto complainant has been left out in the transaction, he has lodged the present complaint.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on condition that each of 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 petitioners shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Judicial 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/-
10/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
 - 3 THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D. SENTHIL Advocate SR.No.6320

ORDER IN
CRL OP(MD) No.2185 of 2015
Date :10/02/2015