



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

Thursday, the Third day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.22646 of 2015

ZAHIR HUSSAIN

... PETITIONER/ACCUSED NO.5

Vs

STATE REPRESENTED BY

1 THE INSPECTOR OF POLICE
SESSIONS COURT POLICE STATION,
CANTONMENT,
TRICHY.

(CRIME NO. 240 OF 2015

...1st RESPONDENT/COMPLAINANT

2 S. SELVARAJ

... RESPONDENT/DEF-FACTO COMPLAINANT

For Petitioner : M/S C.VAKEESWARAN Advocate

For 1st Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

For 2nd Respondent : Mr.T.M.MADASAMY, Advocate

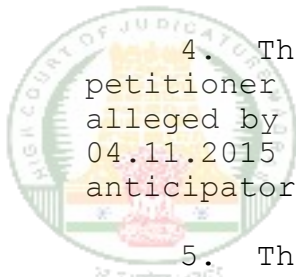
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.5, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 109, 114, 418, 406 and 420 r/w. Section 120(b) of IPC, in Crime No.240 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the owner of the property. There was some family dispute with regard to the property belonging to their family. The petitioner introduced one Advocate, for filing of a case against the family members of the de-facto complainant and also introduced one Vadivel, who is the first accused in this case, to the de-facto complainant, to execute Power of Attorney and appoint him as a Power Agent of the de-facto complainant. As per the advise of the petitioner, the de-facto complainant executed Power of Attorney appointing the said Vadivel as Power Agent. The said Vadivel executed a settlement in favour of his wife and he did not pay any amount to the de-facto complainant and thereby, cheated the de-facto complainant and when the same was questioned by the de-facto complainant, the petitioner threatened him with dire consequences. Hence, the de-facto complainant gave a complaint to the respondent police and the same has been registered for the offences punishable under Sections 109, 114, 418, 406 and 420 r/w. Section 120(b) of IPC, in Crime No.240 of 2015.

[https://hcservices.courts.gov.in/hcservices/](https://hcservices.courts.gov.in/hcservices) The case of the petitioner is that he acted only as an Agent of the de-facto complainant and Vadivel.



4. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that A1 was arrested on 04.11.2015 and released on bail on 18.11.2015 and therefore, prayed for anticipatory bail to the petitioner.

5. The learned counsel for the Intervenor submitted that the petitioner is the main accused and only at the instigation of the petitioner, the de-facto complainant executed Power of Attorney to Vadivel/A1 to deal with the property.

6. Heard the learned Government Advocate (Criminal side).

7. Considering the facts and circumstances of the case and also the fact that the co-accused/A1 in this case was arrested on 04.11.2015 and released on bail on 18.11.2015, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Trichy, and on his 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 daily twice i.e., at 10.00 a.m. and 5.00 p.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. 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/-

03/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,TRICHY.
- 2 THE CHIEF JUDICIAL MAGISTRATE,TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, SESSIONS COURT POLICE STATION,
CANTONMENT,TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S C.VAKEESWARAN Advocate SR.No.69644

ORDER

IN

CRL OP(MD) No.22646 of 2015

Date :03/12/2015