



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

Friday, the Fourth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.22726 of 2015

WEB COPY

1 G. RAMASAMY
2 S. SORNALAKSHMI
3 R. RAMANATHAN
4 P. SIVAMANY
5 M. SREENIVASAGAN
6 V. THANGAVEL
7 M.S.GOPAL @ GOPALAKRISHNAN

..PETITIONERS/
ACCUSED 4 to 7, 9 to 11

Vs.

STATE REP.BY
1 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO.820/2015.

..RESPONDENT/COMPLAINANT

2 M. VEERAPPAN

..RESPONDENT/
DEFACTO COMPLAINANT

For Petitioner : M/S G.MARIMUTHU Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.Side)

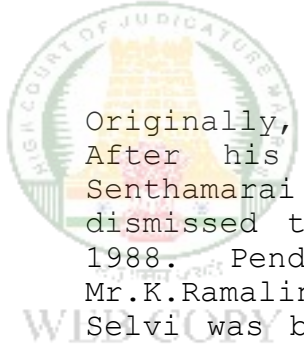
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.4 to 7 and 9 to 11 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 197, 465, 472, 420, 255 and 468 of I.P.C, in Crime No.820 of 2015, seek anticipatory bail.

2. The case of the prosecution is that one Senthamarai Selvi is the absolute owner of the property in question, measuring 2 acres 36 cents. She has executed a power of attorney appointing the de-facto complainant as her power agent. When he made arrangements to sell the property, he came to know that one R.Sivasankaran entered into an agreement of sale with other legal heirs of one Ganapathy Moopanar. Therefore, he gave the complaint and the same was registered in Crime No.820 of 2015, for the offences stated above.

3. The case of the petitioners is that there are totally 11 accused in this case. One R.Sivasankaran/A2 filed O.S.No.54 of 2010 on the file of the Sub-Court, Aruppukkottai against the said Senthamarai Selvi and four others and contended that he entered into an agreement of sale with so many persons including the legal heirs of Ganapathy Moopanar in respect of the same property of 3/4th share. After agreement of sale, they did not complete the transaction. Therefore, he filed O.S.No.124 of 2009 on the file of the District Court, Virudhunagar, for execution of sale deed. He has entered into an agreement of sale with the original owner.



Originally, the property in question belongs to Ganapathy Moopnar. After his death, one of his daughter Deivanai Ammal, mother of Senthamarai Selvi filed O.S.No.62 of 1985, for partition. The Trial Court dismissed the suit. Thereafter, she filed an appeal in A.S.No.1133 of 1988. Pending appeal, the said Deivanai Ammal died. Therefore, Mr.K.Ramalingam, the husband of Deivanai Ammal, father of Senthamarai Selvi was brought on record and they became owners of the property. By the Will dated 16.12.2008, the said Ramalingam has handed over the property to Senthamarai Selvi. The other legal heirs on the intention to cheat Senthamarai Selvi entered into an agreement of sale with A2 in respect of the same property. Hence, the Civil Suits are pending before the competent Courts.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they are falsely implicated in this case.

5. The learned Government Advocate (Criminal side) appearing for the State submitted that A2 entered into an agreement of sale to sell the property in question without having any title to the property and the investigation is pending.

6. Considering the facts and circumstances of the case and also the fact that the co-accused/A1 and A2 have already been granted anticipatory bail by this Court, on 23.11.2015, in CrI.O.P.(MD) No.18257 of 2015, this Court is 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 their appearance before the learned Judicial Magistrate, Aruppukkottai and on executing a personal 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 petitioners 2 and 4 shall appear before the respondent police as and when required for interrogation and that the petitioners 1, 3 and 5 to 7 shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.

7. 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/-

04/12/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S G.MARIMUTHU Advocate SR.No.69602

ORDER IN

CRL OP(MD) No.22726 of 2015

Date : 04/12/2015

<https://hcservices.ecourts.gov.in/hcservices/>

PBK/SK-SKN/SAR-II 09/12/2015 ::2P-6C::