



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.22894 of 2015

1 SEKAR
2 KANAGARAJ
3 KRISHNASAMY

... PETITIONER(S) / ACCUSED 1 to 3

Vs

THE STATE REP.BY THE SUB INSPECTOR OF POLICE
PANTHALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CR NO.155 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.MUNIYANDI Advocate

For Respondent : M/S.K.Anbarasan Government Advocate (Crl. Side)

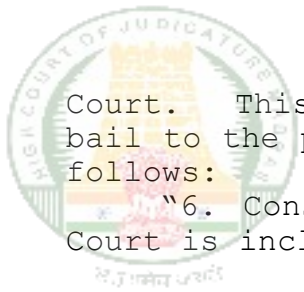
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 294(b), 420 and 506(i) of I.P.C., in Crime No.155 of 2015, on the file of the respondent police, seek anticipatory bail.

2. According to the de-facto complainant, viz., S.Dhanalakshmi Ammal, she purchased lands to an extent of 2 Acres 98 Cents in Survey Nos.825/3 and 825/4 [New Survey No.825/1], through a Sale Deed, dated 14.06.1963, but the accused persons, by fabricating documents, sold the same to A3.

3. 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. The learned counsel for the petitioners further submitted that the property is an ancestral property and it was originally standing in the name of Sri Ram Chettiar, the father of one Pathmanapan and on 08.05.2008, the said Pathmanapan executed a power of attorney in favour of A1 and based on the same, A1 sold the property to A2 on 15.12.2008 and thereafter, A2 executed a sale deed in favour of A3, on 21.04.2011. It is further submitted that the Adangal was standing in the name of Sri Ram Chettiar and UDR Patta was also issued by the revenue authorities in his name and on 25.10.2000, the said Pathmanapan had mortgaged the property with the Co-operative Society and obtained loan and thereafter, redeemed the same. The learned counsel also submitted that the petitioners have already filed Crl.O.P.(MD) No.17050 of 2015 before this



Court. This Court, by order dated 04.09.2015, had granted anticipatory bail to the petitioners, wherein at paragraphs 5 to 7, it has been held as follows:

"6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aruppukottai, and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the conditions 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."

4. The petitioners did not comply the condition imposed by this Court, dated 04.09.2015, in CrI.O.P.(MD) No.17050 of 2015.

5. Now, the petitioners have come out with the present petition for Anticipatory Bail, on the ground that due to ill-health of the first petitioner, they did not execute the sureties within the time limit granted by this Court.

6. Considering the facts and circumstances of the case and also the fact that this Court has already granted anticipatory bail to the petitioners, in CrI.O.P.(MD) No.17050 of 2015, dated 04.09.2015, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aruppukottai, and on each of them 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 petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the conditions 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/-
03/12/2015

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE SUB INSPECTOR OF POLICE
PANTHALKUDI POLICE STATION, VIRUDHUNAGAR DISTRICT.

+1. CC to M/S S.MUNIYANDI Advocate SR.No. 69481.

TS/07.12.2015/2P-6C/DP-JGB/SAR - II

ORDER
IN
CRL OP(MD) No.22894 of 2015
Date :03/12/2015