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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.22931 of 2015

1 AMMAIYAPPAN
2 RAMASAMY ... PETITIONERS/ACCUSED 1 AND 3

Vs

STATE REP.BY
1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT,
KARUR,
CRIME NO.25 OF 2015. ... RESPONDENT/COMPLAINANT

2 M.P. ARUMUGAM ... 2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S S.GOKULRAJ Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side) for R1.

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 and 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 419, 420, 465, 467 and 468 of IPC, in Crime No.25 of 2015, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that one Arumugam was the owner of the land in S.F.Nos.682 and 683, measuring an extent of 1 Acre. He executed a power of attorney appointing the de-facto complainant as his power agent to deal with the property. The de-facto complainant executed a sale deed in favour of one Thangaraj, who is a practising Advocate before the District Court, Karur. On 09.04.1990, at the instigation of Annadurai/A10, the accused persons created forged documents, as if the said Thangaraj sold the property. On 05.06.2000, the above said persons cancelled the sale deed executed by the de-facto complainant in favour of one Ranjitham.

3. The case of the petitioners is that originally the property belongs to one Palaniyappa Gounder, who is none other than the father of Annadurai/A10. The said Palaniyappa Gounder sold the property in favour of one Arumugam on 23.09.1995. The said Arumugam had sold the property to one Kavitha etc. He plotted out the same and sold it to various persons. With regard to the property in question, a Civil Suit in O.S.No.461 of 2012 is also pending. Due to escalation of price and to

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extract money, the de-facto complainant had lodged a false complaint against the petitioners.

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 first respondent submitted that the investigation is pending and the co-accused/A10, *viz.*, Annadurai, has been granted anticipatory bail by the learned Vacation Sessions Judge, Karur, dated 14.05.2015, in Crl.M.P.No.529 of 2015.

6. Considering the facts and circumstances of the case and also the fact that the with regard to the property in question a Civil Suit is pending and co-accused/A10 has been granted relief of anticipatory bail, 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 No.I, Karur, 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 for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. 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

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Sub-Assistant Registrar (C.S.)

TO

1 THE CHIEF JUDICIAL MAGISTRATE NO.I, KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,KARUR DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.GOKULRAJ Advocate SR.No.69307

ORDER
IN
CRL OP(MD) No.22931 of 2015
Date :03/12/2015

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