



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23973 of 2015

1 SAKTHIVEL
2 VELLAMMAL
3 KARUPPASAMY

... PETITIONERS / ACCUSED No.1 to 3

Vs

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE
TALUK POLICE STATION,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT
(CRIME No.335 OF 2015)

...1st RESPONDENT / COMPLAINANT

2 KANNAN

...2nd RESPONDENT/DE-FACTOCOMPLAINANT

For Petitioner : M/S V.SASIKUMAR Advocate

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

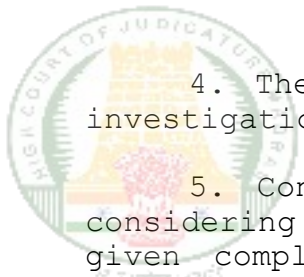
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, in Crime No.335 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 465, 468, 294(b), 471, 506(ii) and 420 of the Indian Penal Code and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property. On 20.05.2011, he mortgaged the property with the first petitioner. He repaid the entire amount. The first petitioner was delay in cancelling mortgage deed. On 07.02.2012, the first petitioner and his henchmen trespassed into the defacto complainant's house and threatened him to execute the sale deed in his favour otherwise murder his wife and daughter. Fearing first petitioner would murder his wife and children, he executed a sale deed on 07.02.2012 by coercion. On 23.06.2015, the petitioners trespassed into the house of the defacto complainant and threatened him to vacate the house and also threatened with dire consequences.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. The petitioners purchased the property from the defacto complainant on 07.02.2012 and the defacto complainant is a tenant in one portion of the house. When the defacto complainant was asked to vacate the house, he refused to vacate the house and threatened the petitioner. Therefore, the first petitioner has given a complaint against the defacto complainant before the respondent police and the same was registered in Crime No.338 of 2015. The second and third petitioners filed suits in O.S.Nos.123 & 124 of 2014 on the file of the Sub Court, Aruppukkottai, for recovery of money.



4. The learned Government Advocate (Criminal Side) submitted that investigation is pending and it is a case and counter case.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners and defacto complainant have given complaint against each other, this Court is 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, Aruppukkottai 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 first petitioner shall appear before the respondent police daily at 10.00 a.m., 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.

6. 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/-
16/12/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE
ARUPPUKKOTTAI
2. -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT
3. THE INSPECTOR OF POLICE
TALUK POLICE STATION,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S V.SASIKUMAR, Advocate SR.No.72223

ORDER IN
CRL OP(MD) No.23973 of 2015
Date :16/12/2015

ps
SH/JGB-DP/SAR-II:31.12.2015:2P/6C