



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

Monday, the Twenty Third day of March Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.2657 of 2015

WEB COPY

1 MANICKAM
2 PAPATHI

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKOTTAI DISTRICT.
(IN CR.NO.2 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P. GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.2 of 2015, on the file of the respondent police for offences under Sections 120(b), 419, 420, 406, 465, 468, 471 IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent.

3. On 12.03.2015, this Court passed the following order:

"Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side).

2. On 05.03.2015, this Court passed a detailed order and in paragraph No.5 of the order, this Court has stated as follows:

"5. This Court would consider granting anticipatory bail only if the documents viz., the settlement deed dated 14.07.2014 and the sale deed dated 21.03.2007 are cancelled by the petitioners or *inter alia* if the original owner/defacto complainant sells the property to the petitioners."

3. Today, the learned Counsel for the petitioners submits that the defacto complainant had executed a sale deed in favour of the petitioners in respect of the disputed property dated 11.03.2015.

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4. If that is so, the petitioners shall file an affidavit and also a photo copy of the sale deed. The



respondent police may also record the statement of the defacto complainant and submit the same. The defacto complainant should be present before this Court on 23.03.2015.

WEB COPY Post "for orders" on 23.03.2015."

4. Today, the de-facto complainant is present. It is submitted by the learned counsel for the petitioner that the de-facto complainant has executed a deed of sale on 11.03.2015 in favour of the second petitioner and the document has been submitted for registration on the same day. The de-facto complainant, who is present before this Court also stated that he has executed the sale deed. Under such circumstances, anticipatory bail is granted to the petitioners, but with conditions.

5. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, Pudukottai District, on executing a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-

23/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, ALANGUDI, PUDUKKOTTAI DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P. GANAPATHI SUBRAMANIAN Advocate SR.No.14307

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ORDER IN

CRL OP(MD) No.2657 of 2015

Date :23/03/2015

PA/26.03.2015/2P/6C