



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

Thursday, the Twenty Sixth day of March Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.4511 of 2015

1 SYLUS

2 SABEERA

... PETITIONERS/ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CR.NO. 12 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate
For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)
For Intervenor : MR.JEYAKUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offences punishable under Sections 406, 420 and 471 IPC in Crime No.12 of 2014 on the file of the respondent police, seek anticipatory bail.

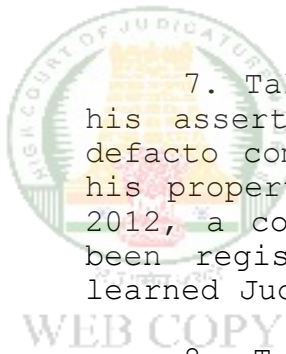
2. Heard the learned counsel for the petitioners, the learned counsel for the defacto complainant and the learned Government Advocate (Crl.Side) appearing for the State.

3. This case has been registered pursuant to the direction issued by the learned Judicial Magistrate No.I, Nagercoil in C.M.P.No.3808 of 2013 under Section 156(3) Cr.P.C.

4. The defacto complainant is an Advocate. It is the case of the defacto complainant that he is the owner of the property measuring 50 cents in S.No.414 in Colachel Village, Kanyakumari District having purchased the same by a deed of sale dated 25.07.2012. It is alleged by the defacto complainant that the petitioners represented that they are into real estate business and that they will sell his property for a good price and give him proceeds. Believing the representation, the defacto complainant gave a Power of Attorney on 25.10.2012 in favour of the first petitioner in which the second petitioner, who is the wife of the first petitioner has signed as witness. It is also alleged by the defacto complainant that the petitioners had sold the property to one Balasubramaniam vide sale deed dated 02.11.2012 registered as Doc.No.2417 of 2012 and they did not pay any money to the defacto complainant.

5. Learned counsel for the Intervenor strongly objected to the grant of anticipatory bail to these petitioners on the ground that the petitioners are also involved in another case in Crime No.61 of 2013 and were arrested once.

6. Be that as it may, the defacto complainant in this case is an Advocate by profession and that he had given a Power of Attorney to the



7. Taking into consideration the status of the defacto complainant, his assertion appears to be unbelievable, it is not the case of the defacto complainant that these petitioners had impersonated him and sold his property. For the transaction that took place somewhere in the year 2012, a complaint has been given only in 2014 and the present case has been registered against the petitioners by the orders passed by the learned Judicial Magistrate No.1, Nagercoil under Section 156(3) Cr.P.C.

8. Taking into consideration the facts and circumstances of the case, this Court is of the view that this is a fit case to grant anticipatory bail to these petitioner. 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 No.1, Nagercoil, on condition that each of the petitioner shall execute 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 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 first petitioner shall report before the respondent police daily at 5.30 p.m. for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent police 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].

sd/-
26/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No. 15399

SR : 30.03.2015 : 2P/6C