



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

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.4724 of 2015

A.ABRAHAM

... PETITIONER/ACCUSED (RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 43 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

For Respondent : MR.P.KANDASAMY, 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.43 of 2015, on the file of the respondent police for offences under Sections 120(b), 406 and 420 IPC, the petitioner is now before this Court seeking Anticipatory Bail.

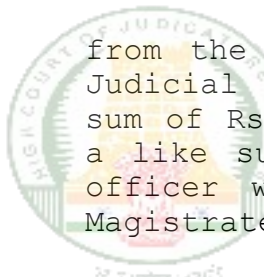
2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.This case has been registered pursuant to the direction issued by this Court in Crl.O.P.(MD) No. 23109 of 2014.

4. According to the de-facto complainant, he had retired from Army and he was allotted lands under the Ex-Serviceman Quota. It is alleged by the de-facto complainant that the petitioner herein and others had sold his land on the strength of a power of attorney given by his son Subbiah in the year 2000. In this regard, even according to the de-facto complainant, he had lodged a complaint before the respondent police and after enquiry, his case was closed as 'civil in nature'. Not satisfied with that, he has approached this Court and obtained an order for registration of the case in Crl.O.P.(MD) No. 23109 of 2014 and on account of which, this case has been registered. It is seen that this petitioner had obtained power of attorney in respect of the land from one Gurusamy and not from Subbiah as alleged by the de-facto complainant. The transactions are of the year 2000 and this prosecution has been launched now by the de-facto complainant contending that the lands were sold illegally by the petitioner in the year 2000. Since already police investigation was conducted and petition was once closed, taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days



from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srivilliputhur, 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 petitioner shall report before the respondent police everyday at 6.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
24/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

+1. CC to M/S.J.MAHENDRAN Advocate SR.No. 13024

SR : 27.03.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.4724 of 2015
Date :24/03/2015