



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.4910 of 2015

1 SORNAPPAN
2 NAGARAJAN
3 ARUL RAJA

... PETITIONERS/ACCUSED 2, 4 & 5

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO. 20 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENKATESH 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 :-

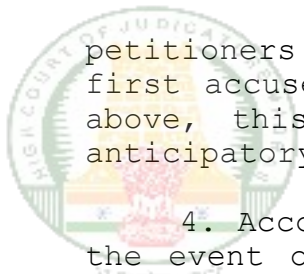
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 403, 409, 419, 420, 465, 468 & 471 IPC, in Crime No.20 of 2015 on the file of the respondent police, seek anticipatory bail.

2. This Court, by order dated 05.03.2015, in Crl.OP[MD].No.3801 of 2015, had granted anticipatory bail to the co-accused and in Paragraph No.3 of the said order, it is stated as follows:-

"3. The petitioner, in this case, is the General Secretary of the Vellalar Educational Society, registere4d under the Tamil Nadu Societies Registration Act. The de facto complainant is one of the members of the society. There appears to be rivalry between the petitioner and the de facto complainant in taking control of the society. The society is running an Engineering College. The allegation of the de facto complainant is that the petitioner and the co-accused purchased a property from one Sornappan/A2 on 10.05.2012 in the name of the society, the title of which is in cloud. It is alleged by the de facto complainant that Sornappan/A2 himself had purchased the property from a bogus person by name Nagammal. Apart from the de facto complainant, no one has raised any objection to the purchase of the said property. The said property is adjacent to the Kalaivanar N.S.Krishnan Engineering College that is run by the society and the society members by resolution dated 30.09.2011 decided to purchase the property for the benefit of their college. In the resolution, the de facto complainant is also a signatory."

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

3. D.Sornappan, (A2) the petitioner herein has A-2, sold the property to Dr.K.Thanappan, (A-1). N.Nagarajan (A-4) and S.Arul Raja (A-5), the



petitioners 2 and 3 herein, were witnesses to the sale deed. Since the first accused has been granted anticipatory bail, for the reasons stated above, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners herein also.

4. 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.I, Nagercoil, on condition that the petitioners 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 petitioners 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.D.VENKATESH Advocate SR.No. 15192

SR : 30.03.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.4910 of 2015
Date :26/03/2015