



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

Wednesday, the Twenty Ninth day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.4941 of 2015

DURAIPANDI

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THIRUMANGALAM TALUK POLICE STATION,

MADURAI DISTRICT.

CRIME NO. 38 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.KATHIRVELU, Senior Counsel for Mr.R.SenthilKumar

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

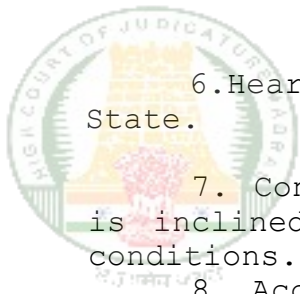
The petitioner, who is arrayed as A1, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 468, 471 and 420 of I.P.C. in Crime No.38 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, the accused have created a document to grab the property of the de-facto complainant.

3.Mr.Kathirvelu, learned Senior counsel appearing for the petitioner submitted that one Iyappathevar and Mayakrishnan, who is the sister's son of Iyappathevar have executed a power of attorney in favour of the second accused on 14.10.1996 and based on the power of attorney, the first accused had purchased the property by a registered sale deed dated 24.05.2011. The main allegation in the complaint is that the said Mayakrishnan died on 07.01.2000 and after the death of the principal, the power of attorney has executed the sale deed on 24.05.2011.

4.The learned Senior counsel submitted that the total extent of the property in dispute is 1 acres 20 cents and admittedly Iyappathevar has half share in the property and the remaining half share belonging to his sister Petchiammal and the said Petchiammal has 9 legal heirs. The learned Senior counsel further submitted that on behalf of other legal heirs, the said Mayakrishnan had executed a power of attorney and even there is any dispute, they have to file a civil suit and a criminal complaint is made only with a minimum twist method to settle before the respondent police.

5.The learned counsel for the intervenor vehemently opposed this petition contending that the first accused is the neighbouring land owner of the said property and he knows very well about the death of the said Mayakrishnan and thereafter only with a view to create documents, to grab the property, and he is not a bonafide purchaser.



6. Heard the learned Government Advocate (Crl.side) appearing for the State.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thirumangalam and on 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 petitioner shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner 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/-
29/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

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

+1cc to M/s.R.Senthil kumar, Advocate SR.No.42349
+1cc to M/s.B.TamilNidhi, Advocate SR.No.42512

Sm:IV:SAR-II:4.08.2015:2P/7C

ORDER
IN
CRL OP(MD) No.4941 of 2015
Date :29/07/2015