



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

Wednesday, the Fifth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.4963 of 2015 and
MP (MD) No.1/215

S. SOMASUNDARAM

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI
(CRIME NO.28 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.VEERAKATHIRAVAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

For Intervenor : M/S.R.GANDHI, Advocate

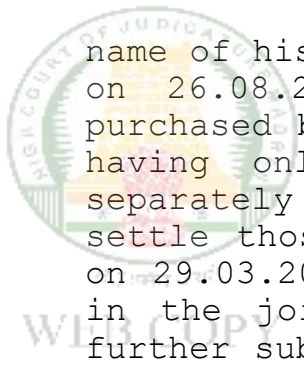
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is a sole accused, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 465, 467, 468, 471 and 120(b) IPC, in Crime No.28 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant the property in Plot Nos.51 and 57 in Tiruppalai Vilalge, in Resurvey Nos.42.1 and 42/2 in Sasi Nagar, Madurai North Taluk, exclusively belongs to him and by creating false documents on 29.03.2012, the petitioner executed a settlement deed in favour of his daughters and subsequently the daughters executed a partition deed among them on 30.02.2012, and also executed a power of attorney in favour of their mother. Hence, the de-facto complainant alleges that the property belongs to him and the same has been usurped by creating false documents.

3. The learned Counsel appearing for the petitioner submitted that the de-facto complainant is none other than the own brother of the petitioner and their father namely Sethuraman Chettiar had three sons and four daughters and he was doing several business and also purchased the properties in the name of his three sons. The petitioner issued notice on 06.08.2014, to the de-facto complainant seeking partition all the joint family properties standing in the



name of his brothers for which the de-facto complainant sent a reply on 26.08.2014, admitting the properties in dispute which were purchased by their father. He further submits that the accused is having only three daughters and they are married and living separately and due to his age and health condition he wanted to settle those properties in favour of his daughters and accordingly on 29.03.2012, he executed a settlement deed by giving 1/3rd share in the joint family properties, which he is entitled to. He further submits that the sisters of this petitioner already filed a suit for partition and the same is pending before the civil Court.

4. Per contra, Mr.R.Gandhi, learned Counsel appearing for the intervenor vehemently opposed to grant anticipatory bail to the petitioner contending that that the property was exclusively purchased in the name of the de-facto complainant during the year 1982 and the de-facto complainant has not admitted in his reply the right of the first accused and after settling the property in favour his daughters in the year 2012, issued notice in the year 2014 seeking share of the properties which clearly establishes his *mens rea*.

5. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the investigation is going on.

6. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the intervenor and the learned Government Advocate (Crl.side) appearing for the respondent.

7. Considering the submissions made by both parties, 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 his arrest or on his appearance before the learned Judicial Magistrate No.I, Madurai, 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. for a period of two weeks and thereafter as and when required. 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/-

05/08/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. I
MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI

+1. CC to M/S. VEERAKATHIRAVAN Advocate SR.No.44169
+One cc to M/S. R. GANDHI, Advocate, SR.No.44442

RL/7C - 11/8/2015

ORDER
IN
CRL OP (MD) No.4963 of 2015
Date : 05/08/2015