



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

Thursday, the Eighth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6657 of 2015

1 K.PONRAJ
2 GANESAN
3 DURAIMANI

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY ITSW
THE INSPECTOR OF POLICE
THATTAPARAI POLICE STATION, TUTICORIN DISTRICT.
(CRIME NO.63 OF 2015) ... RESPONDENT/ COMPLAINANT

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

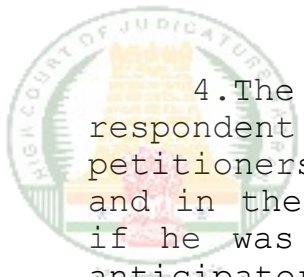
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners 1 and 2, who are arrayed as A3 and A4 and the 3rd petitioner, who is arrayed as an accused apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 419, 420, 465, 468 and 471 of IPC, in Crime No.63 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, his grandfather Vedhamanickam Nadar is the owner of the property comprised in Survey No.620/1 to an extent of 2.84 acres and he died in the year 1963. However in the year 2014, one Vedhamanickam committed impersonation as if he is the grandfather of the de-facto complainant and sold the property to A2 with the connivance of the other accused.

3. The learned counsel for the petitioners submitted that A2 is a bona fide purchaser, A1 is the authorised signatory of A2 company and the petitioners 1 and 2/A3 and A4 are witnesses to the sale deed and they are nothing to do with the allegations made against the said Vedhamanickam. It is further submitted that Vedhamanickam is not added as an accused in this case and the entire case is borne out from the records and therefore, there is absolutely no chance for tempering the evidence. The learned counsel further submitted that since the 3rd petitioner is not an accused, he is not pressing the petition against him and he has also made an endorsement to that effect.



4.The learned Government Advocate (Criminal side) for the respondent vehemently opposed grant of anticipatory bail to the petitioners stating that the original owner died in the year 1963 and in the year 2014, the accused have sold his property to A2, as if he was alive and therefore, the accused are not entitled for anticipatory bail.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2 with certain conditions. In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as not pressed against the 3rd petitioner.

6.Accordingly, the petitioners 1 and 2 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Tuticorin and on each of them 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 the petitioners 1 and 2 shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners 1 and 2 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners 1 and 2 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/-
08/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDICIAL MAGISTRATE NO.1, TUTICORIN
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3.THE INSPECTOR OF POLICE
THATTAPARAI POLICE STATION, TUTICORIN DISTRICT
- 4.THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.S.JEYAKARTHIK Advocate SR.No.60353
RL/6 C- 28/10/2015

ORDER
IN
CRL OP(MD) No.6657 of 2015
Date :08/10/2015