



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

Wednesday, the Third day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9485 of 2015

1 V.GANESHEN
2 PERUMALSAMY
3 NAGALAKSHMI
4 R.VIJAYAKUMAR

... PETITIONERS/ACCUSED NOS.1 TO 4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL, DINDIGUL DISTRICT.
CRIME NO. 15 OF 2009. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SELVARAJ Advocate
For Respondent : M/S.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 petitioners, who are arrayed as A1 to A4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 I.P.C in Crime No.15 of 2009 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the the fourth petitioner and the defacto complainant are the brothers. Their father died interstate. While so, the fourth petitioner had sold the property of the defacto complainant to the other accused.

3.The learned counsel for the petitioners submitted that the original owner Radhakrishnan died long back leaving behind four children as Legal heirs and thereafter, they orally partitioned the property and the fourth petitioner had purchased the share of the defacto complainant and only thereafter, he gave power of attorney in favour of the second petitioner, who in turn sold the property to the first petitioner. The learned counsel further submitted that after selling his share, the defacto complainant is claiming right over the property in dispute.

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

4.The learned Government Advocate(Crl.side) submitted that the case was registered in the year 2009 and after investigation, the



case was referred as mistake of fact. But the same was not accepted by the learned Judicial Magistrate and now fresh investigation is ordered.

5. Considering the facts of this case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Dindigul, on each of them 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 6.00 p.m for a period of two weeks and thereafter, as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioners 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/-
03/06/2015

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, DINDIGUL
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 4.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL, DINDIGUL DISTRICT
- +1. CC to M/S.D.SELVARAJ Advocate SR.No.27715
RL/6 C- 5/6/2015

ORDER
IN
CRL OP(MD) No.9485 of 2015
Date :03/06/2015