



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Eighteenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9675 of 2015

1 VIJAYALAKSHMI

2 LINGA DEVI

..PETITIONERS/ACCUSED 2 & 3

P.SUBRAMANIAN

..INTERVENOR

S.RADHAKRISHNAN

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

KOVILPATTI WEST POLICE STATION,

TUTICORIN DISTRICT.

CR. NO. 405 OF 2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.VEILKANIRAJU Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(Crl.Side)

For Intervenor : Mr.G.THALAMUTHARASU, Advocate

For Intervenor : Mr.M.S.JEYAKARTHIK, Advocate

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

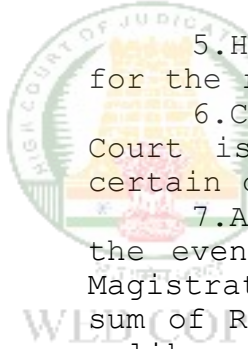
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 and A3 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 420, 294(b) and 506(i) of IPC, in Crime No.405 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant had entered into an agreement with one Radhakrishnan on 18.07.2012 and paid Rs.3,50,000/- towards advance for the sale consideration and thereafter, he had executed a power of attorney in favour of A1 to enable him to sell the property to the de-facto complainant, however instead of executing the sale deed in favour of the de-facto complainant, he created documents and sold the property to her wife and daughter, who are arrayed as A2 and A3.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the agreement, dated 18.07.2012 clearly shows that the de-facto complainant had paid the entire advance amount of Rs.3,50,000/- to the original owner Radhakrishnan and the de-facto complainant, instead of approaching a competent civil court, filed this criminal complaint to arm twist the accused to come for settlement. It is further submitted that A1 was already released on bail by the Judicial Magistrate No.II, Kovilpatti in Cr.M.P.No.4288 of 2015, dated 06.06.2015.

4.Per contra, learned counsel appearing for the intervener <https://www.honourablejudges.org.in> opposes the petition submitting that the accused have acted in a manner deliberately to deceive the de-facto complainant and all the accused have conspired together and cheated the de-facto complainant.



5. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

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

7. 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, Kovilpatti 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 on further condition that the petitioners shall appear before the court concerned daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-

18/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI, THOOTHUKUDI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

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

4 THE INSPECTOR OF POLICE, KOVILPATTI WEST POLICE STATION,
TUTICORIN DISTRICT.

+1. CC to M/S.M.VEILKANIRAJU Advocate SR.No.32150

ORDER IN

CRL OP(MD) No.9675 of 2015

Date :18/06/2015

PBK/PPS 19/06/2015 ::2P-6C::