



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.9687 of 2015

1 R. ARASU

2 A. RAJESWARI

3 N. GOVINDARAMU,

... PETITIONERS/ ACCUSED 1 TO 3

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MURUGENDRAN Advocate

For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

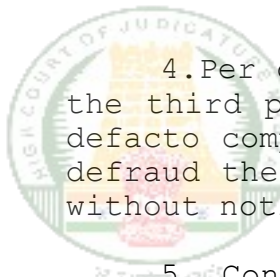
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) I.P.C in Crime No.28 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the defacto complainant, the third petitioner is the owner of the property to an extent of 2.63 acres and he executed power of attorney in favour of the defacto complainant on 29.09.2011 and also received Rs.20 lakhs from the defacto complainant, however without any notice, he cancelled the power of attorney on 20.02.2015.

3.The learned counsel for the petitioners submitted that the third petitioner is the owner of the property and the power of attorney was executed with a specific condition that the agent has to render proper accounts to the principal, the defacto complainant had sold part of the property by four different sale deeds between 29.01.2014 to 28.02.2014. Since he had not rendered proper accounts the principal had cancelled the power of attorney on 20.02.2015. The learned counsel further submitted that there are discrepancies in the complaint and the notice issued by the defacto complainant dated 04.05.2015. It is further submitted that civil dispute has been given a criminal colour to armpit the petitioner to come for a settlement. Hence, he seeks anticipatory bail for the petitioners.



4. Per contra, the learned Government Advocate (Crl.side) submitted that the third petitioner had cancelled the power of attorney in favour of the defacto complainant and also received Rs.20 lakhs with a view to cheat and defraud the defacto complainant and he had cancelled the power of attorney without notice and without consent of the defacto complainant.

5. Considering the nature of allegations made in the complaint, 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, Ramnaathapuram, 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

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, RAMANATHAPURAM.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM.

+3. CC to M/S.G.MURUGENDRAN Advocate SR.No. 27294

TS/05.06.2015/2P-8C

ORDER
IN
CRL OP(MD) No.9687 of 2015
Date :03/06/2015