



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) Nos.9710 & 9720 of 2015

WEB COPY

1 A.KANNAN
2 HUSSAIN
3 M.DAVID MAHIMAINATHAN
4 A.K.MOHAMMED FAROOQ ... PETITIONERS/ACCUSED RANK NOT KNOWN
IN CRL.OP.NO.9710/2015

V.M.ASHOKAN ... PETITIONERS/ACCUSED RANK NOT KNOWN
IN CRL.OP.NO.9720/2015

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KOTTAI POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
CR. NO. 424 /2013.

... RESPONDENT/COMPLAINANT in both OPs

For Petitioner : M/S.J.JEYAKUMARAN Advocate in Crl.OP.9710/15
M/S.M.PITCHAI MUTHU Advocate in Crl.OP.9720/15
For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)
IN BOTH OPs

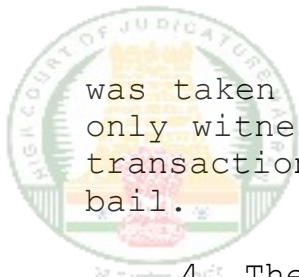
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A7 to A11 in Crime No.424 of 2013 on the file of the respondent police apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471, 419 and 420 of I.P.C and hence, seek anticipatory bail.

2. The case of the prosecution is that one Alamelu had executed power of attorney in favour of the first accused on 15.07.2011 and on the basis of the said power of attorney, A-1 sold the property to his wife A-2 on 13.03.2012 and thereafter, A-2 sold the property to the defacto complainant on 29.03.2012. However, subsequently, it was found that the said power of attorney is a forged and fabricated document.

3. The learned counsel for the petitioners submitted that the occurrence is said to have taken place on 29.03.2012. But the complaint was given only on 26.04.2013. It is further submitted that the first accused was already arrested and released on bail and A-2 was granted anticipatory bail and after completion of investigation, the respondent has already filed charge sheet and it



was taken on file. He further submitted that the petitioners are only witnesses to the document, document writers and broker for the transaction and the main accused had been arrested and released on bail.

4. The learned Government Advocate(Crl. Side) would submit that the accused with an intention to cheat the defacto complainant had sold the property by fabricating the documents.

5. However, it is not disputed that the power of attorney executed by Alamelu and the sale deed executed by A-1 in favour of A-2 are all registered documents.

6. Considering the nature of allegation and stage of investigation, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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.I, Trichy and on 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 10.00 a.m until further orders. The petitioner 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,TRICHY
 - 2 THE CHIEF JUDICIAL MAGISTRATE,TRICHY
 - 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KOTTAI POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.27271
+1cc to Mr.M.Pitchaimuthu,Advocate Sr.No.27520

ORDER
IN

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Date :03/06/2015