



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

Monday, the First day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP (MD) No.12709 of 2016

WEB COPY

1 P. BALAKRISHNAN
2 G. TAMILARASI
3 P. ARUMUGAM

... PETITIONERS/ACCUSED No.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
ALANGANALLUR,MADURAI DISTRICT.
(CRIME NO. 194 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.PANDI MAHARAJA Advocate

For Respondent : MR.P.KANNITHEVAN, 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 accused nos.1 to 3, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 417,420 and 506(i) of IPC in Crime No.194 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property in R.S.No.171/4 in Kallivelipatti Village of Vadipatti Taluk, Madurai District. The first petitioner sold the property as the power agent to second petitioner and on complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the first petitioner is the power agent of defacto complainant. He has been appointed by the deed of Power dated 03.05.1995 bearing Doc.No.34 of 1995. The first petitioner sold the property as a power agent of the defacto complainant, to the second petitioner herein on 09.10.2003 bearing Doc.No.1564 of 2003. The second petitioner received summons from the Land Grabbing Special Cell for enquiry on 01.03.2013 and she has also appeared. At the time of enquiry, she came to know that the defacto complainant executed another power of attorney on 13.04.2009 bearing Doc.No.78 of 2009, appointing one O.Raja as her power agent and he sold the property to one Shanmugapriyan. Thereafter, the said Shanmugapriyan sold to one Muthusamy by registered sale deed dated 21.02.2013, bearing Doc. No.752 of 2013. Therefore, the second petitioner lodged a complaint before the respondent Police and the respondent police did not receive the same. Therefore, the second petitioner filed Crl.O.P. (MD).No.6110 of 2016 for a direction to register the



complaint and this Court by order dated 22.04.2016, directed the respondent police to conduct enquiry and register the case. Thereafter, the defacto complainant gave a present complaint on 28.04.2016 by suppressing the earlier enquiry conducted by the Inspector of Police Land Grabbing Cell. He further submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that this is the civil dispute and the investigation of the case is pending.

5. Considering the fact that the first petitioner was appointed by the defacto complainant as her power agent and he has sold the property as the power agent in the year 1995 to the second petitioner and the same has been registered in Doc.No.1564 of 2003, dated 09.10.2003 and after attending enquiry conducted by the Inspector of Land Grabbing Special Cell, the second petitioner lodged a complaint on 04.03.2016 and filed Crl.O.P(MD).No.6110 of 2016 before this Court and this Court directed the respondent Police to register a complaint and in such circumstances, suppressing the earlier facts the defacto complainant has given a complaint against the petitioners and hence this Court inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, Madurai District on condition that each of the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am for a period of two weeks and thereafter, as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate,



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as to whether the petitioners are complying with the condition or not.

sd/-

01/08/2016

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

TO

1 THE JUDICIAL MAGISTRATE
VADIPATTI, MADURAI DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
ALANGANALLUR, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.PANDI MAHARAJA Advocate SR.No.41165

ORDER

IN

CRL OP(MD) No.12709 of 2016

Date : 01/08/2016

PA/AAL-MPA/SAR III/05.08.2016/3P/6C