



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

Thursday, the Fifteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.22790 of 2016

1 KASEVAN
2 JAYARANI

... PETITIONERS/ACCUSED NO.1 & 2

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE,
THIRUCHENDURE TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.330 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.ROBINSON Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 506 (ii) of IPC in Crime No.330 of 2016 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel on either side.

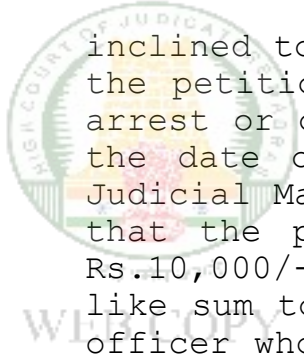
3.The learned counsel for the petitioner has admitted that the first petitioner has not cancelled the power of attorney executed in favour of so far and the petitioners have been falsely implicated in this case and he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.side) states that the power of attorney has sold the property to the defacto complainant after getting proper consent.

5. It is also admitted by the learned Government Advocate that the power of attorney is not shown as accused in FIR itself. The Encumbrance Certificate produced by the learned counsel for the petitioner does not show the alleged sale deed executed in favour of the defacto complainant.

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

6.Considering the facts and circumstances of the case, I am



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, Thiruchendur, Thoothukudi District on condition that the petitioners shall execute 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 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 10.30 a.m until further orders.

[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]**.

sd/-

15/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR, THOOTHUKUDI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
THIRUCHENDURE TEMPLE POLICE STATION, THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.ROBINSON Advocate SR.No.80837

CM

CSL/GSV-PM/SAR-III/19.12.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.22790 of 2016

Date :15/12/2016