



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.752 of 2016

1 USHA  
2 GAYATHRI  
3 MUKUNTHAN  
4 RAJAMANNAR

... PETITIONERS/ACCUSED NOS.1,2,3&4

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE  
THALAMUTHUNAGAR POLICE STATION,  
TUTICORIN DISTRICT  
(CRIME NO.5/2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S B.N.RAJA MOHAMED Advocate

For Respondent : M/S.P.KANNITHEVAN, Govt. Advocate ( Crl. Side)

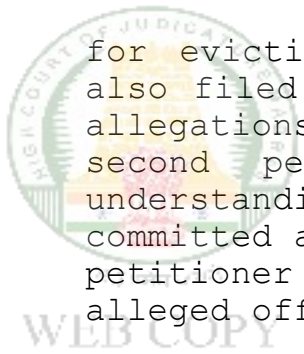
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, in Crime No.5 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 447, 406, 420 and 506(i) of the Indian Penal Code and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the owners of M/s.Suryan Biobriqs LLP Plant and gave an advertisement to sell the same. On seeing the advertisement, the defacto complainant approached the petitioners and entered into a lease agreement on payment of Rs.10,00,000/- on the assurance given by the petitioners that the property is free from encumbrance. Subsequently, he came to know that the property was already mortgaged to Bank of Baroda and the Bank is taking steps for recovery of money on petitioners defaulted in payment. On coming to know this, the defacto complainant demanded money from the petitioners and they threatened him with dire consequences unless he vacate and hand over the property belongs to the petitioners.

3. The case of the petitioners is that the petitioners are innocent. The fourth petitioner filed a suit in O.S.No.460 of 2015



for eviction of the defacto complainant. The defacto complainant also filed a suit in O.S.No.240 of 2015 for recovery of money. The allegations against the petitioners 1 to 3 are vague and against the second petitioner is that she attested the memorandum of understanding, dated 01.05.2014 and the petitioners have not committed any offence and the lease deed executed only by the fourth petitioner and the petitioners 1 to 3 are nothing to do with the alleged offence.

4. The learned Government Advocate (Criminal Side) submitted that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that both the fourth petitioner and the defacto complainant filed suits for recovery of money and recovery of possession, 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.II, Tuticorin 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 fourth petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the petitioners 1 to 3 shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-  
27/01/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, TUTICORIN
  - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
  - 3.THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
  - 4.THE INSPECTOR OF POLICE  
THALAMUTHUNAGAR POLICE STATION, TUTICORIN DISTRICT
- +1. CC to M/S B.N.RAJA MOHAMED Advocate SR.No.4727  
RL/6C/AAL/MPA/ARII/2/2/2016

ORDER  
IN  
CRL OP(MD) No.752 of 2016  
Date :27/01/2016