



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.9782 and 9783 of 2016

ILAIYA RAJA

... PETITIONER/ACCUSED No.4
in Crl.O.P.No.9782 of 2016

MUNIYASAMY

... PETITIONER/ACCUSED No.3
in Crl.O.P.No.9783 of 2016

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH
THOOTHUKUDI,
THOOTHUKUDI DISTRICT
CR.NO.38/2016

... RESPONDENT/COMPLAINANT
in both cases

For Petitioner : M/S V.RAJIV RUFUS Advocate (in both cases)

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl.side)
(in both cases)

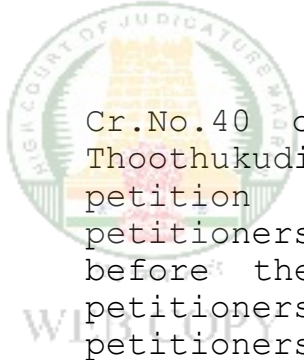
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.3 & 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 465, 468, 471, 420 and 120(B) of IPC, in Crime No.38 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property in Survey No.547/1A1, 548/2B1A, 551/1A1, 551/2A1 and 555/2A3A2. While so, A1 Rojar Koilpillai created a forged power of attorney, dated 08.07.2011 and sold the property to one Muniyasamy/A3 and he in turn sold the property to A4/Ialiya Raja. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Earlier for the very same offence, one Ravi and his relatives gave a complaint against the petitioners in the year 2012 along with other properties and the case has been registered in



Cr.No.40 of 2012, on the file of the District Crime Branch, Thoothukudi. In that case, the petitioners filed anticipatory bail petition and this Court granted anticipatory bail to the petitioners. The said Ravi filed a suit in O.S.No.510 of 2012, before the Principal District Munsif, Thoothukudi against the petitioners and others and the suit was decreed against the petitioners. The petitioners filed A.S.No.151 of 2014 before the Sub Court, Thoothukudi and the same is pending. The defacto complainant also filed O.S.No.363 of 2014 before the learned Principal District Munsif, Thoothukudi against the petitioners. The said suit is pending. While so, false case has been foisted against the petitioners. A3 Muniyasamy is working as Village Administrative Officer in Kumbakonam.

4. Heard the learned Government Advocate (Crl.Side).

5. Considering the facts and circumstances of the case and also considering the fact that earlier for the very same offence one Ravi has given a complaint and the petitioners approached this Court and obtained an of anticipatory bail and also the pendency of Civil Suit and Appeal suit, 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, Thoothukudi 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 petitioner in Crl.O.P (MD)No.9782 of 2016 shall appear before the respondent police daily at 10.00 a.m., until further orders and the petitioner in Crl.O.P (MD)No.9783 of 2016 shall appear before the respondent police every Sunday at 10.00 a.m., until further orders. The petitioners shall comply with the condition 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/-
21/06/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THOOTHUKUDI

2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI



3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH
THOOTHUKUDI, THOOTHUKUDI DISTRICT

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

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+2 CC to M/S V.RAJIV RUFUS Advocate SR.No.31719 & 31720

ORDER
IN
CRL OP(MD) Nos.9782&9783 of 2016
Date :21/06/2016

SH/GSV-PM/SAR-I:22.06.2016:3p/7c