

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL ORIGINAL PETITION No.25610 of 2017

1 KANTHAMMAL, [PETITIONER / ACCUSED]
2 D.PARVATHI,

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ANIT LAND GRABBING
SPECIAL CELL, THIRUVALLUR DISTRICT.
CR.NO.29/2017

For Petitioner : M/S.P.KRISHNAN Advocate

For Respondent : MR. B. RAMESH BABU, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail for the offence punishable under Sections 420, 465, 468 and 471 IPC in Crime No.29 of 2017.

2. It is alleged that the second petitioner executed a power of attorney dated 12.03.2009 in favour of the first petitioner and based on the power of attorney, the first petitioner executed a sale deed dated 16.11.2011 in favour of one Kumar after execution of sale deed dated 23.07.2004 in favour of one Sridhar for the very same property. Sridhar, in turn, sold the property to Kesavaraj/Defacto complainant. He lodged a complaint with the Sub-Registrar, Uthukottai alleging that the property sold in his favour in the year 2004 in favour of his predecessor Sridhar was again sold by A1 and A2 in favour of A3. The Sub-Registrar, Uthukottai, who executed the sale deed had lodged a complaint.

3. The learned counsel for the petitioners would submit that the said Kesavaraj coerced the second petitioner to cancel the sale dated 16.11.2011, the first petitioner without prejudice to her rights cancelled the sale deed by a deed of cancellation dated 23.09.2015. He further submitted that petitioners are aged about 80 and 61 respectively. Therefore , he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that in view of the cancellation of the sale deed executed in favour of A3, no dispute exists between the parties.

5. Having regard to the nature of allegations against the petitioners and age of the petitioners and in view of the cancellation of deed in favour of A3 and as it is not stated that custodial interrogation of the petitioners is required, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(i) Petitioners are ordered to be released on bail in the event of their arrest or appearance before the learned Judicial Magistrate, Uthukottai, within a period of fifteen days from the date of receipt of a copy of this order 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 said Magistrate.

(iii) The petitioners, being ladies, shall appear before the respondent police as and when required for interrogation.

-sd/-
05/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHUKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP.BY
THE INSPECTOR OF POLICE, ANIT LAND GRABBING
SPECIAL CELL, THIRUVALLUR DISTRICT.CR.NO.
29/2017

+1 CC to M/S.P.KRISHNAN Advocate on payment of necessary
charges Sr.No.22238

CRL OP.25610/2017

Date :05/12/2017

MD: 19/12/2017