



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

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.2683 of 2017

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

... PETITIONERS/ACCUSED 1 TO 3

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.MAHENDRAPATHY Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

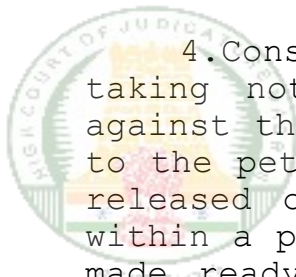
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 417, 420 and 506(i) IPC., in Crime No.194 of 2016, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant appointed the 1st petitioner as power agent to her property and as a power agent the 1st petitioner sold the property to the 2nd petitioner herein without the knowledge of the defacto complainant and when it was questioned by the defacto complainant the petitioners threatened her with dire consequences and thereby cheated.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. The 2nd petitioner has also filed a complaint against one Sonaiyammal and others, who has executed a power of attorney to A1 and by virtue of the power, A2 has purchased the property from A1. But the defacto complainant has also given the power of attorney to one another person and he has sold the same property to some other. Aggrieved by that A2 has lodged a complaint against those persons and the case was registered in Crime No.351 of 2016. This is purely civil in nature.



4. Considering the facts and circumstances of the case and also taking note of the fact that no specific overt act attributed against these petitioners, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Vadipatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, 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 once in a week i.e., on every Monday 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/-

10/03/2017

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

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

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

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

ORDER

IN

CRL OP(MD) No.2683 of 2017

Date : 10/03/2017

PJL

CSL/RR/SAR-II/21.03.2017 : 2P/5C