



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

Wednesday, the Fourth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5063 of 2018

1 USHA
2 R. ALBERT

... PETITIONERS / ACCUSED NO.3 & 6

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CR.NO. 60/2018

... RESPONDENT

For Petitioners : M/S.P.M.VISHNUVARTHANAN Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

For Intervenor : MR.A.SIVASUBRAMANIAN Advocate

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

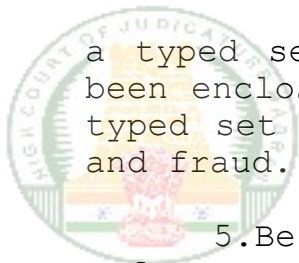
ORDER : The Court Made the following order :-

The petitioners are shown as Accused Nos.3 and 6 in Crime No.60 of 2018, on the file of the Inspector of Police, Srivaikundam Police Station, Thoothukudi District for the offences punishable under Sections 420, 467, 468, 471 and 474 of IPC, and they seek anticipatory bail.

2.The first petitioner herein is the power agent, while the second petitioner herein is the main witness in the documents executed in favour of the first petitioner as well as the documents executed by the first petitioner. The specific case of the defacto complainant is that the property does not belong to the first accused which has been shown as the subject matter in the power of attorney executed in favour of the first petitioner, based, on which he has executed sale deeds in favour of the A-2 and A-5.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl Side) appearing for the respondent.

4.The learned counsel for the intervenor strongly opposed the grant of Anticipatory Bail to the petitioners herein. He has filed



a typed set of papers, in which, all the relevant documents have been enclosed. He also took this Court through the contents of the typed set to show that the petitioners have indulged in dishonesty and fraud.

5. Be that as it may, it is seen that the brother of the Defacto Complainant had already filed a Civil Suit in O.S.No.23 of 2018 on the file of the learned District Munsif, Srivaikundam, in which, declarative relief has been sought for in respect of the offending sale deed. It is also seen that the entire case against the petitioners herein is based on documentary evidence. Therefore, custodial interrogation is absolutely not necessary in this case.

6. Taking note of this aspect, 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, Srivaikundam and on their 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 petitioners 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.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
04/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.5514
+1. CC to M/S.A.SIVASUBRAMANIAN Advocate SR.No.5439

ORDER IN
CRL OP(MD) No.5063 of 2018
Date :04/04/2018