



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

Friday, the Twenty Fourth day of August Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.15028 and 15046 of 2018

RM.SOMASUNDARAM

... PETITIONER / ACCUSED NO.5
IN CRL OP(MD)NO.15028 OF 2018

1 MEIYAPPAN S/O ANDIAPPAN AMBALAM
2 MEIYAPPAN S/O LAKSHMANAN AMBALAM
3 NAGARAJAN
4 MEIYAPPAN S/O MEIYAPPAN

...PETITIONERS/ACCUSED 1 TO 4
IN CRL OP(MD)NO.15046 OF 2018

Vs

1 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT
(CRIME NO.328/2018)

... RESPONDENT / COMPLAINANT
IN THE BOTH PETITIONS

For Petitioners : Mrs.P.KALAIYARASI BHARATHI Advocate
IN BOTH PETITIONS

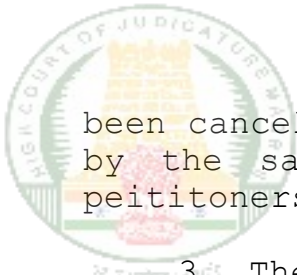
For Respondents : Mrs.M.ANANTHADEVI Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b) 406,420, 294(b) and 506(i) of IPC in Crime No.328 of 2018, seek anticipatory bail.

2.The petitioners in Cr1.O.P(MD) No.15046 of 2018 are A1 and A4 and the petitioner in Cr1O.P(MD) No.15028 of 2018 is arrayed as A5 in the present case. The defacto complainant has given a complaint on the ground that the power deed was executed by A1 to A4 in favour of the defacto complainant on 08.05.2009 and a sum of Rs.4,00,000/- was received for the same. Subsequently power deed had



been cancelled and the amount has not been returned back. Aggrieved by the same, the present complaint has been filed against the petitioners.

3. The learned counsel for the petitioners would submit that there is a pending suit in O.S.No.56 of 2016 on the file of the District Munsif Court, Karaikudi in which the defacto complainant is the defendant. The said suit has been filed by all these petitioners seeking for declaration that the Power deed executed by them in favour of the defacto complainant is null and void and the same is pending. Therefore the learned counsel for the petitioners would submit that a civil dispute is given a criminal colour.

4. The learned Government Advocate would submit that there is already a civil dispute pending between the parties and the present First Information Report has been registered only on the ground that the money that was received from the defacto complainant towards execution of power deed in his favour, after cancellation of power deed, the same was not returned back to the defacto complainant.

5. Taking note of the facts and circumstances, 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, Karaikudi and on their executing 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 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.

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 shall stand dismissed.

sd/-
24/08/2018

/ TRUE COPY /

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

AAV
TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

<https://hcservices.courts.gov.in/hcservices/>
2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.



3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.

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

+1. CC to Mrs.P.KALAIYARASI BHARATHI Advocate SR.No.16058
+1. CC to Mrs.P.KALAIYARASI BHARATHI Advocate SR.No.16059
PS/RR/SAR-1:04/09/2018:3P/7C

ORDER

IN

CRL OP(MD) No.15028 AND 15046 of 2018

Date :24/08/2018