



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

Friday, the Twenty First day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22663 of 2018

1.PALANIAPPAN

2.MANIVANNAN

... PETITIONERS/ ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

KAYATHAR POLICE STATION,

THOOTHUKUDI DISTRICT.

Crime No.327/2018

... RESPONDENT

For Petitioners : Mr.R.MEENAKSHI SUNDARAM Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 468 and 471 IPC in Crime No.327 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant, one Karuppasamy, who is the son of Ramasamy, had inherited the property in survey No.732/7B to an extend of 1 acre and 82 cents. His father purchased the said land from one Selvabakkiayavathi Ammal by virtue of sale deed vide Doc. No.1475/1967. The de facto complainant's father is the absolute owner of the said property. After demise of the said Ramasamy, the de facto complainant got his share in Survey No.732/7B with extend 82 cents. The said Selvabakkiayavathi Ammal /A1, without knowledge of de facto complainant, had settled the entire land in Survey No.732/7B with extend 82 cents by virtue of settlement deed vide Doc No.1282/1981 in favour of her daughter, who is A2. A2 had executed Power of Attorney on 17.08.2007 vide Doc.No.500/2007, in favour of A3. A3, as a Power Agent, have sold the said property to the first petitioner by virtue of sale deed dated 23.11.2007 vide



Doc.No.2089/2007 in which, the first petitioner appointed the second petitioner as his Special Power Agent to sign on his behalf. Subsequently, the petitioners have sold the said property to A6 vide sale deed Doc.No.319/2009. Hence, the complaint.

3.The learned counsel for the petitioners would submit the petitioners have verified the encumbrances for relevant period and on due verification of legal opinion from Lawyers about the title, the petitioners purchased the said property with bonafide belief. He would further submit that after several decades, he has lodged the present complaint. He would also submit that a false case has been foisted against them and they have nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.side) would submit that investigation is pending.

5.Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/12/2018

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO II,
KOVILPATTI.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.MEENAKSHI SUNDARAM Advocate SR.No.23981

ORDER
IN
CRL OP(MD) No.22663 of 2018
Date :21/12/2018

TK/VR/SAR-2/03.01.2019/3P/6C