



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4595 of 2019

1.P.RAVICHANDRAN
2 S.KUDBUDEEN
3 O.SOWDY
4 MRC.SAISANKAR

... PETITIONERS / ACCUSED NOS.2 TO 5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY DISTRICT.
(CRIME NO. 17/2019)

... RESPONDENT / COMPLAINANT

AISHWARYALAKSHMI

... INTERVENER/PROPOSED RESPONDENT
IN CRL MP(MD).NO.3139 of 2019 in
CRL OP(MD).NO.4595 OF 2019

For Petitioners : MR.M.SUBASH BABU Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public prosecutor

For Intervenor : MR.S.SIVASUBRAMANIAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 120(b) I.P.C, in Crime No.17 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant/Aishwarya Lakshmi actually purchased the property from Shrine Velankanni School Management, Chennai through an agreement of sale in the month of July 2009. Since she is not in possession to maintain the property, she is residing in Chennai, she purchased the



property in the name of the first accused, who is very known to her family for long time. In turn she got the power of attorney from the first accused. While being so, without her knowledge the first accused and the petitioners conspired among them and with *malafide* intention, the first accused cancelled the power of attorney deed and also entered sale agreement with the petitioners. Further the petitioners also well aware that the property is belong to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence.

4.The learned counsel for the petitioners seeks permission of this Court to withdraw this petition as far as first and second petitioners/A2 & A3 are concerned and also made an endorsement to that effect.

5.In view of the endorsement made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn.

6.Mr.S.Sivasubramanian, learned counsel for the intervenor would submit that the intervenor/defacto complainant owned the above said property from 2009 and this fact also suppressed by the petitioners and one Sundaravadivel. In order to escape from the clutches of law, the petitioners are attempting to invoke civil proceedings, as the petitioners are well aware that both the Civil and Criminal proceedings and both can be invoked simultaneously.

7.The learned Additional Public Prosecutor for the State would submit that the petitioners are arrayed at A2 to A5 and investigation is still pending.

8.Considering the facts and circumstances of the case and considering the fact that since there was a civil dispute in nature, without approaching civil Court the defacto complainant filed a complaint, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners/A4 & A5 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, Trichy, on condition that the petitioners/A4 & A5 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/A4 & A5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners/A4 & A5 shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioners/A4 & A5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners/A4 & A5 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/A4 & A5 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY DISTRICT.

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

+1 CC to MR.M. SUBASH BABU, Advocate (SR-6347[I] dated 08/04/2019)

+1 CC to MR.S. SIVASUBRAMANIAN, Advocate (SR-6369[I] dated
08/04/2019)

ORDER

IN

CRL OP (MD) No.4595 of 2019

Date : 08/04/2019

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<https://hcservices.ecourts.gov.in/hcservices/>

AE/MMS/SAR-111/16.04.2019/3P/7C