



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

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8013 of 2019

1 V.MANGAN

2 S.RAVINDRAN

3 R.SANJEEV KUMAR

... PETITIONERS / ACCUSED NO.A2, A3 & A7

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,
SINGAMPUNERI POLICE STATION,
SIVAGANGAI DISTRICT.

IN CRIME NO.67 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SATHISKUMAR Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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 offences punishable under Sections 120(b), 468, 474 and 506(i) of IPC in Crime No.67 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the prosecution case, A1 has sold the property to the defacto complainant on 21.09.2015, even before that, A1 has executed power deed in favour of A2 on 01.07.2010 and based on the said power deed, he has sold the property to A3 and A7 stood as attesor in the power of attorney dated 01.07.2010. He further submitted that since the power of attorney is the earlier one, if at all any offence is committed that must be only by A1 and the petitioners have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate has submitted that after executing the power deed in favour of A2, A1 has executed the sale deed directly to the defacto complainant on 21.09.2015 and hence, he strongly opposed this petition.

5. The power of attorney said to have been executed by A1 in favour of A2 is earlier one, only thereafter, without cancelling the said power of attorney A1 has executed the sale deed in favour of the defacto complainant. If the defacto complainant had applied for encumbrance certificate he would have knowledge about the power of attorney and it appears that he has not applied for any encumbrance certificate. Taking into consideration of all the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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 Judicial Magistrate Court, Thiruppathur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
25/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUPPATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
SINGAMPUNERI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.A.SATHISKUMAR Advocate SR.No. 10428

ORDER

IN

CRL OP (MD) No.8013 of 2019

Date :25/06/2019

JM/VR/SAR 3/05.07.2019/3P/6C