



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

Date : 07/08/2019

PRESENT

The Hon'ble Justice Mr.P.Rajamanickam

CRL OP(MD) . No.11112 of 2019

Ramesh @ Suresh ... Petitioner/Accused No.6

Vs

State,
Rep.by Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No. 67 of 2019). ... Respondent/Complainant

For Petitioner : M/s.R.Senthil Kumar,
Advocate.

For Respondent : Mrs.Anantha Devi
Government Advocate(Crl.Side)

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

PRAYER :-

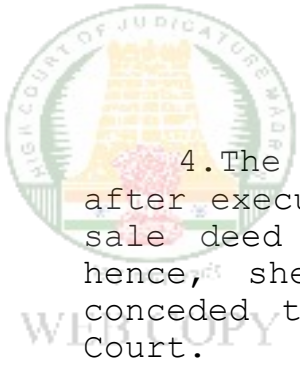
For Anticipatory Bail in Crime No. 67 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner/accused no.6, 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 seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner 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 petitioner has not committed any offence as alleged by the prosecution. He further submitted that A 2,3 and 7 were granted anticipatory bail by this Court. He would further submit that the petitioner herein is only document writer. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.Side) 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, she strongly opposed this petition. However she fairly conceded that A2,3 and 7 were granted anticipatory bail by this Court.

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 and also the fact that A2,3 and 7 were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate,Thirupathur, Sivagangai District on condition that the petitioner shall execute 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 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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/ TRUE COPY /

sd/-
07/08/2019

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

TO

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

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.80654

ORDER
IN
CRL OP(MD) No.11112 of 2019
Date :07/08/2019

AAV
ES/JC/SAR 4/22.08.2019/3P/6C