



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11146 of 2019

1. Manish Kothary

2. Sirey Kothary ... Petitioners/Accused 1 and 2

Vs

The State,
Rep.by The Inspector of Police,
District Crime Branch,
Ramanathapuram.

(Crime No. 19 of 2019). ... Respondent/Complainant

For Petitioner : M/s.M.Aarumugam, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.K.Sivabalam

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

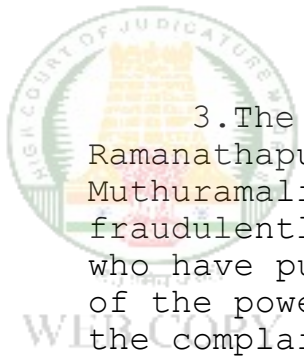
PRAYER :-

For Anticipatory bail in Crime No. 19 of 2019 on the file of the respondent of police.

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.19 of 2019, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal side). This Court heard the learned counsel for the intervenor also.



3.The petitioners are partners in a firm that owned lands in Ramanathapuram. The case of the petitioners is that one Muthuramalingam, who was appointed as their power agent, fraudulently sold the property belonging to them. Now the persons who have purchased the property from Muthuramalingam on the strength of the power of attorney given by the petitioners herein have lodged the complaint leading to the registration of Crime No.19 of 2019, on the file of the respondent.

4.According to the prosecution, the total sale consideration involved is around 58,00,000/-. According to the petitioners, the total sale consideration is around 52,00,000/-. Further, the petitioners through their counsel offered to deposit the said amount for a sum of Rs.52,00,000/- without prejudice to their contentions.

5.Taking note of the offer made by the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. The petitioners are directed to deposit the said amount of Rs.52,00,000/- to the credit of Crime No.19 of 2019, before the learned Judicial Magistrate, Ramanathapuram.

6.Subject to the above condition, 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, Ramanathapuram and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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.

7.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/-
03/09/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
RAMANATHAPURAM

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



2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM

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

+1 CC to M/s.AARUMUGAM.M, Advocate (SR-14739[I] dated 04/09/2019)

+1 CC to M/s.K.SIVABALAN, Advocate (SR-14892[I] dated 05/09/2019)

ORDER

IN

CRL OP(MD) No.11146 of 2019

Date :03/09/2019

sj i

ES/PN/SAR 1/12.09.2019/3P/7C