



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

Date : 14/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9512 of 2020

1.GUNASEKARAN
2.SANGEETHA
3.SASIKALA
4.VASANTH

... PETITIONERS/ACCUSED NOS.1 TO 4

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
MELUR POLICE STATION, MADURAI.
CRIME NO.148 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Jerin Mathew,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.148 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.148 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the owner of the property and earlier he executed a general power of attorney in favour of the de-facto complainant in the year 2008 for a sum of Rs.84,46,000/- and also issued a sale receipt. Subsequently, in March 2010, he cancelled the power of attorney and failed to repay the amount. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that even though the power of attorney was executed in the year 2008, no amount was paid to the petitioners, subsequently, in the year 2010 itself, the first petitioner has cancelled the power



of attorney and the de-facto complainant also challenged the cancellation of power of attorney in a civil suit in O.S.No.266 of 2018, on the file of the District Munsif Court, Melur. Subsequently, the de-facto complainant withdraw the civil suit and filed a police complaint before the District Crime Branch and the petitioners have also approached this Court seeking police protection in Crl.O.P.(MD) No.21493 of 2018 and this Court passed an order dated 12.12.2018 and closed this petition on the ground that the complaint was closed as civil in nature. Once again, the Sub-Registrar, Thamaraipatti Sub Registrar Office, Chittampatti, Madurai District refused to register the cancellation deed. Thereafter, the first petitioner filed a writ petition before this Court in W.P.(MD)No.16799 of 2019 and this Court by an order dated 02.01.2020 allowed the writ petition and set aside the order passed by the Sub-Registrar. Thereafter, a false case has been filed against these petitioners as if they have received more than Rs.85,00,000/- from the de-facto complainant. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is over and the respondent police filed a final report before the concerned Magistrate.

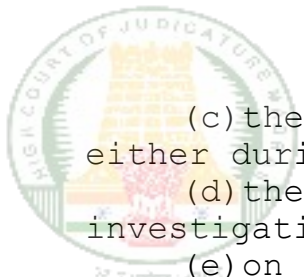
5.It is seen from the perusal of the records that the power of attorney has been executed in the year 2008, subsequently, it was cancelled in the year 2010 and so many proceedings also pending between the parties from the above referred cases including the civil suit and the writ petition. Now it is also stated that the investigation is almost over and the final report is ready and the respondent police also going to file final report.

6.Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(a)the petitioners 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 shall report before the respondent police 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]***; and;

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

sd/-

14/09/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI.

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

ORDER

IN

CRL OP(MD) No.9512 of 2020

Date :14/09/2020

SJI

JM/JC/SAR II/17.09.2020/3P/5C

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