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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2020

PRESENT

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

CRL OP(MD) . No.18721 of 2019

1. GHOUSE BASHA
2. SHAHUL HAMEED SHAMEEM
3. INTHEYAAS AHAMED
4. ANWAR

... PETITIONERS/ACCUSED NO.1 TO 4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.483 OF 2018).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. S.Satheesh Kumar,
Advocate.

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

For Intervener : Mr.S.Balaji, Advocate

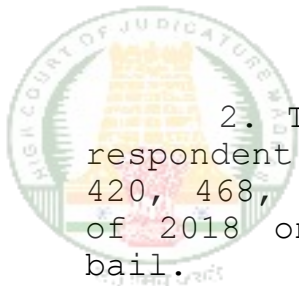
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

for Anticipatory Bail in Crime No.483 of 2018 on the file of
the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, the
learned counsel for the intervener and the learned Government
Advocate(Crl. Side) appearing for the respondent.



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 468, 471, 120(b), 294(b), 506(ii) of I.P.C., in Crime No. 483 of 2018 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the property in question belongs to the defacto complainant who is a lady. The first petitioner is a power agent. The second petitioner is a subsequent purchaser. The case of the prosecution is that the power of attorney was given only as a measure of security for having received a sum of Rs.17,15,000/- (Rupees Seventeen Lakhs Fifteen Thousand only). But according to the first petitioner, the sum received by the defacto complainant is far more.

4. The learned counsel for the petitioner would also point out that based on the power of attorney, a sale deed was executed in favour of the second petitioner and the husband of the defacto complainant is an attesting witness. He has also produced proof in this regard. The case was adjourned on several occasions to enable the respondent to file a proper status report. I am regret to state that the status report filed by the respondent police is most unsatisfactory.

5. Be that as it may, in as much as the case against the petitioner rests on documentary evidences. Arrest of the petitioners is not going to advance the cause of investigation. It is true that the second petitioner is none other than the son-in-law of the first petitioner. Therefore, I am inclined to grant relief to the petitioners with a condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of seven days.

6. The learned counsel for the intervener also submits that if all the disputed signatures are sent for verification, the entire truth will come out. The said request is reasonable. Therefore, the respondent is directed to send all the disputed signatures for verification and after obtaining the expert report file the final report.

7. I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Uthamapalayam, and on their executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of seven days and thereafter as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



8. 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.

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

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.BALAJI, Advocate (SR-2755[I] dated 10/02/2020)

+1 CC to M/s.S.SATHEESH KUMAR, Advocate (SR-2854[I] dated 11/02/2020)

ORDER
IN
CRL OP(MD) No.18721 of 2019
Date :10/02/2020

PNN
JM/PN/SAR 1/14.02.2020/3P/7C