



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11689 of 2022

1 P.THAGARAJAN
2 T.NATARAJAN
3 T.RAMANIKANTH
4 T.VENKATESAN
5 JEYAMALA
6 NAMAGIRI LAKSHMI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
LAWSPET POLICE STATION,
PUDUCHERRY 605 008
CRIME NO.0090 OF 2022

[RESPONDENT]

For Petitioners : M/S. U.KARUNAKARAN Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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 109, 120-A, 467, 468, 406, 420, 423, 419 & 205 IPC in Crime No.0090 of 2022, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the subject property is owned by the de facto complainant and he executed the Power of Attorney in faovur of the 1st accused on 27.10.1995. On the strength of the Power of Attorney, the 1st petitioner sold the property to the petitioners 2 and 3 and they in turn, executed a sale deed in favour of third parties. Immediately, in the year 1999, the de facto complainant had sent a notice, thereby, cancelling the Power of Attorney executed in favour of A1. Suppressing the said fact, he executed a sale deed in respect of the same to the petitioners 2 and 3, based on which, the present case has been registered against the petitioners.



3. The learned counsel for the petitioners submitted that, after registration of the sale deed in favour of the petitioners 2 and 3, Civil Suits in O.S.Nos.256 and 259 of 1999 have been filed by the 3rd petitioner and both the suits are pending. Therefore, the de facto complainant had knowledge about the execution of the sale deed in favour of the petitioners 2 and 3 even in the year 1999 itself, whereas, the present complaint is lodged only after a period of 22 years, that too, on a direction issued under Section 156(3) of Cr.P.C., already in respect of the very same property and the Civil Suits are pending between the petitioners and the de facto complainant. Thus, the learned counsel for the petitioners prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the investigation is still pending and he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and as custodial interrogation of the petitioners is not required in this case and that the 'lis' between the parties is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate - I, Puducherry on condition that each of the petitioners 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 learned Magistrate concerned and on further conditions that:

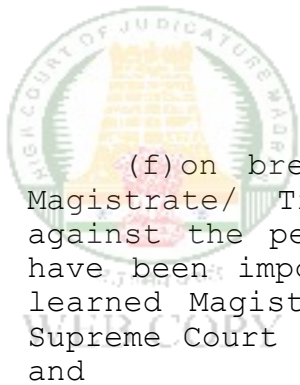
(a) if the petitioners failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and their sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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 are 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

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

-sd/-
19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
LAWSPET POLICE STATION,
PUDUCHERRY 605008

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. U.KARUNAKARAN Advocate on payment of necessary charges SR.NO.7382

CRL OP.11689/2022

Date :19/05/2022

JPA 23/05/2022