



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

Friday, the Thirtieth day of September Two Thousand Eleven

PRESENT

The Hon`ble Ms. Justice R.MALA

CRL OP(MD) No.13115 of 2011

1 RAJKUMAR  
2 RANJITH KUMAR

... PETITIONERS / ACCUSED NO.5 & 6

Vs

STATE THROUGH  
THE SUB INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
MADURAI DISTRICT.  
(CRIME NO.64 OF 2011)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. D.SADIQ RAJA Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor ( Crl. Side)

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


ORDER : The Court Made the following order :-

The petitioners/Accused Nos.5 and 6 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 409, 420, 468, 477 and 506(i), in Crime No.64 of 2011 on the file of the respondent police and hence, seek anticipatory bail.

2.The learned Counsel for the petitioners would submit that the petitioners are arrayed as A5 and A6 and the property originally owned by one M.S.Mani and he executed the power of attorney in favour of A1 and on the basis of power of attorney, he sold the same to A2. The petitioners are the only sons of A2 and they are arrayed as A5 and A6 and their father purchased the property on 01.05.2009 and the complaint was given only on 25.09.2011 and taking advantage of the present scenario, the false case has been foisted against the petitioners and hence, they pray for enlargement on anticipatory bail.

3.Refuting the same, the learned Additional Public Prosecutor (Crl.Side) would submit that A1 sold the property in favour of A2 and that he executed another sale deed in favour of Selvam and another. Again, he sold the property to A2 and they trespassed and put up the fence and made a criminal intimidation and hence, the case has been registered against the petitioners and the investigation is going on and hence he prays for dismissal of the petition.

4.Considering the rival submissions made on both sides, it is seen that originally, one Mani is the owner of the property and he executed a power of attorney in favour of A1. A1 sold the property in favour of one Selvam from whom the de-facto complainant purchased. But, A1 sold the same to A2 on 01.05.2009 and the petitioners are the children of A2. The only allegation against the petitioners is



that they have encroached the property and put up the fence and made a criminal intimidation and except that, no allegation is made against the petitioners and the complaint was given only on 25.09.2011 and there is a delay in preferring the complaint under Sections 120(b), 409, 420, 468, 477 and 506(i) I.P.C and even though the petitioners have not been arrested, they neither interfered with the investigation nor absconded from the jurisdiction and hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate-I, Madurai, and each of them 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 Judicial Magistrate concerned and on further condition that the first petitioner shall report before the Court concerned daily at 10.30 a.m. until further orders and the second petitioner is directed to sign before the learned Judicial Magistrate No.I, Coimbatore daily at 05.30 p.m until further order. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. 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, anticipatory bail petition stands dismissed.

sd/-  
30/09/2011

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,  
COIMBATORE.
  2. THE JUDICIAL MAGISTRATE NO.I,  
MADURAI.
  3. THE SUB INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH,  
MADURAI DISTRICT.
  4. THE PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. D.SADIQ RAJA Advocate SR.No.34509

ORDER  
IN  
CRL OP(MD) No.13115 of 2011  
Date :30/09/2011

RJ/11.10.11  
2p/6c