



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

Thursday, the Twenty Third day of July Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.12951 of 2015

1 IBRAHIM,
2 ABBAS
3 MOHAMED KASIM,
4 RASATHI
5 ZEENU BASS,
6 MUMTAJ BEGAM

... PETITIONERS/ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
CRIME NO.196/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.RAJAN Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

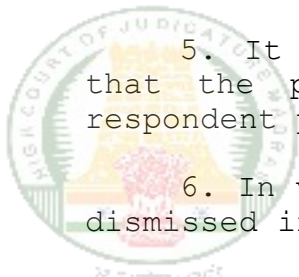
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A-1, A-2 and A-4 to A-7 in Crime No.196 of 2015 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 420 & 506 (i) of I.P.C and hence, seek anticipatory bail.

2. According to the prosecution, the accused without having any right over the property, agreed to sell the property to the defacto complainant and received advance amount of Rs.2,60,000/- from the defacto complainant.

3. The learned counsel for the petitioner submitted that the defacto complainant had entered into an agreement with the accused on 09.03.2012 and paid only meagre advance amount to the accused, however he has not come forward to get the sale deed as per the sale agreement and with ulterior motive, the present complaint has been given after a lapse of three years.

4. The learned counsel for the petitioner further submitted that the defacto complainant instead of filing a suit for specific performance has filed this criminal complaint to settle the dispute before the respondent police. It is further submitted that the third petitioner is the owner of the property as per the judgement and decree passed in A.S.No.18 of 1988 and another civil suit in O.S.No.22 of 2105 is pending on the file of the District Munsif Court, Uthamapalayam. He further submitted that the petitioners are innocent and they have been falsely implicated in



5. It is represented by the learned Government Advocate (Crl. Side) that the petitioner Nos.3 and 4 (A-4 & A-5) were arrested by the respondent police.

6. In view of the said submission, this Criminal Original Petition is dismissed in respect of petitioner Nos.3 and 4.

7. In respect of Petitioner Nos.1, 2, 5 and 6, considering the facts and circumstances of the case, 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, Uthamapalayam and on executing a separate 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 Nos.1, 2 and 5 shall appear before the respondent police daily at 10.00 a.m., until further orders and petitioner No.6, shall appear before the respondent police as and when required for interrogation and the first petitioner shall appear before the respondent police as and when required for interrogation. 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, the petition for anticipatory bail stands dismissed.

sd/-
23/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. SUB INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to MR.G.RAJAN, Advocate in SR.No. 41405

SR : 28.07.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.12951 of 2015
Date :23/07/2015