



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

Friday, the Ninth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD)Nos.14105 and 14463 of 2015

1 M.RAVIKUMAR
2 MOKKAPANDI

... PETITIONERS/ACCUSED 4 & 5
in CRL OP(MD)No.14105 of 2015

1 RAGHAVAN
2 NAGARAJ
3 HARIHARAN

..PETITIONERS/ACCUSED 1 TO 3
in CRL OP(MD)No.14463 of 2015

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
THENI DISTRICT.
CRIME NO.401 OF 2015

..RESPONDENT/COMPLAINANT
in Both the Petitions

For Petitioners
in CRL OP(MD)No.14105 of 2015 : M/S.R.SURIYANARAYANAN Advocate

For Petitioners
in CRL OP(MD)No.14463 of 2015 : MR.P.SENGUTTUARASAN, Advocate

For Respondent
in Both the Petitions : MRS.S.PRABHA,
Govt. Advocate (Crl. Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused, apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 147,120(b),406,420,294(b) and 506(i) of IPC, in Crime No.401 of 2015, on the file of the respondent police, seek anticipatory bail.

2. According to the de facto complainant Subbaiah that his family owned property to an extent of 6.64 acres in S.Nos.524,528 and 529, situated at Kottur Village in Theni District. The de facto complainant and his brothers partitioned the properties by registered partition deed in Document No.13608 of 2007 and they executed power of attorney in favour of the first accused, but later it came to light that the first accused had entered only agreement of sale with one Nandagopal S/o. Sruli Pammu Gounder and received advance, but he has not disbursed the amount to the de facto complainant and his brothers. So, they cancelled the power of



attorney and thereafter, at the request of the accused 1 to 5 who were acting as brokers, they sold the property to one Vanarani, W/o. Sonaimuthu for total sale consideration of Rs.54,49,500/-, by registered sale deed dated 15/12/14. It is further alleged that the shares of the de facto complainant's brother were given by the accused 1 to 4, however, the share of the de facto complainant Rs.18,16,500/- was not paid, thereby he was cheated.

3. The learned counsel for the petitioners submitted that the de facto complainant along with his brothers sold the property by registered sale deed dated 15.12.2014 and at the time of registration entire sale consideration was paid to the sharers, but due to the rise of land cost, the present complaint was given with an ulterior motive. It is further contended that the petitioners were acted only as brokers and the amount of sale consideration will not be paid to the brokers.

4. The learned Government Advocate (Crl. Side) would submit that the accused have not paid share of the de facto complainant and thereby cheated him.

5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Theni and on 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 Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 am until further orders. 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/-
09/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

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

+1. CC to M/S.R.SURIYANARAYANAN Advocate SR.No.60100

Akm/15.10.2015 /2p-6c/ ORDER

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

IN CRL OP (MD) Nos.14105 and 14463 of 2015

Date :09/10/2015