



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

Monday, the Ninth day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1465 of 2015

1 KANNAN

2 VIGNESH KANDAN

... PETITIONERS/ACCUSED 1 & 2

Vs

STATE REP BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, THENI DISTRICT.

CR. NO. 02/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.M. GANESAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

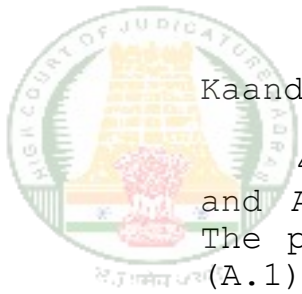
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.02 of 2015, on the file of the respondent police for offences under Sections 406, 420, 120(b) and 506(ii) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2.On 02.02.2015, this Court while granting interim anticipatory bail to the petitioners, passed the following order:

3.This case has been registered pursuant to the direction of this Court under Section 482 Cr.P.C. The de-facto complainant in this case is an Advocate by profession. The case of the de-facto complainant is that A2 in this case is the owner of Coir factory located in Cumbum, Theni. The de-facto complainant wanted to purchase the factory. One Kannan (A1) acted as a broker in this deal. It is the case of the de-facto complainant that he had agreed with A2 for purchasing the Coir factory for a total consideration of Rs.28 lakhs and towards that, the de-facto complainant paid Rs.23 lakhs as advance to A1 and A2. One Anand (A3) is the lessee, who is currently running the factory. A sum of Rs.5 Lakhs has also been paid to Anand (A.3) for terminating the lease and handing over the possession. While so, it is alleged that A.2 has sold the factory to Kaandha Vasan (A4) who is own brother and that Suganya (A5) who is the wife of



Kaandha Vasan.

4. This Court had granted anticipatory bail to A.4 and A.5 in Crl.O.P.(MD)No.1298 of 2015 on 28.01.2015. The petitioners herein are A.1 and A.2. Today, Kannan (A.1) has filed an affidavit and in paragraph Nos.2 and 3 of the affidavit, he has stated as follows:

"2. I submit that a lease deed was executed between me and defacto complainant by way of executing a lease deed for a sum of Rs.23,00,000/- for the running of coconut waste rob manufacturing mill situated in Survey No.2260/2B under the name and style of Sunco Mill, Cumbum. The defacto complainant has filed a complaint before the respondent police and a case was registered against me and one another.

3. I submit that I have filed an anticipatory bail before this Hon'ble Court in Crl.O.P.(MD)No.1465 of 2015 for the grant of anticipatory bail. I humbly request this Hon'ble Court to grant two months time to deposit the amount of Rs.23Lakhs and this Hon'ble Court may allow anticipatory bail filed in Crl.O.P.(MD) NO.1465 of 2015 before this Hon'ble Court."

His undertaking is accepted."

The said interim order was granted up to 02.03.2015.

3. On 02.03.2015, this Court passed the following order:

On 02.02.2015, this Court granted interim anticipatory bail for four weeks to the petitioners on condition that the petitioner should pay a sum of Rs.10,00,000/- to show his bonafide to the de-facto complainant.

2.Today, the learned counsel for the petitioners seeks time.

3.One week's time is extended finally. In the meantime, the 1st petitioner shall pay a sum of Rs.10,00,000/- to the de-facto complainant through police and report to this Court. Post on 09.03.2015 'for orders'."

4.Today, when the matter was taken up, the police have filed a status report, in which, they have stated that the first petitioner did not comply with the undertaking given by him that he will pay a sum of Rs.10 lakhs to the de-facto complainant. Since the petitioner has not complied with the sworn undertaking, this petition is dismissed.

sd/-

09/03/2015

/ TRUE COPY /



TO
1 THE JUDICIAL MAGISTRATE, THENI, THENI DISTRICT
2 THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT
3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI DISTRICT.
4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER
IN
CRL OP (MD) No.1465 of 2015
Date : 09/03/2015

AA/12.03.2015/3p- 5c/