



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

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.15751 of 2014

1 EMILY RICHARD

2 PEARLIN VINCENT

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE,

CITY CRIME BRANCH, TRICHY,

CRIME NO.19/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN, Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

For Intervener : M/S.N.SATHISH BABU, Advocate

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

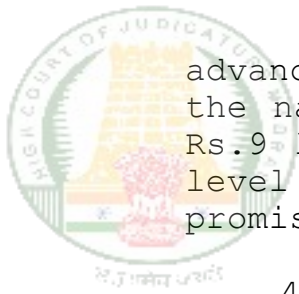
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 471, 468, 420, 506(i) and 120(b) IPC in Crime No.19 of 2014, seek anticipatory bail.

2. The prosecution has filed a counter in which they have stated as follows:

"2. I respectfully submit that the defacto complainant namely V.M.Ravichandran, S/o.Muthukurumban appeared at CCB and preferred a complaint. On receipt of the complaint a case in Trichy City, Crime Branch was registered in Cr.No.19/2014, u/s.465, 471, 468, 420, 506(i) & 120(b) IPC on 12.08.14.

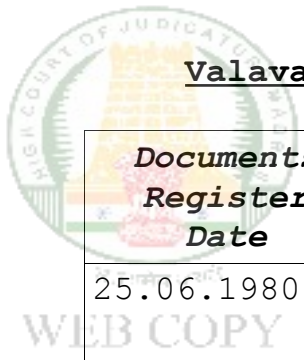
3. I respectfully submit that in his complaint, it was stated that he was doing Real Estate Business with his partner Christopher. Christopher introduced Emily Richard to Ravichandran as Ex Mayor of Trichy City Corporation and she has a land for sale. She had offered to sell 3 acres and 19 cents of land located at Valavandankottai which was in the name of her daughter Pearlin Vincent for the amount of Rs.150/- per square feet. On 15.2.13 the defacto complainant paid Rs.1 lakhs to Emily Richard as a token



advance. As per her advice the sale agreement was made in the name of Christopher. The defacto complainant had spent Rs.9 lakhs and graveled the land as the land was in a low level area for which the petitioner Emily Richard had promised to pay the amount later.

4. I respectfully submit that when the defacto complainant measured the land with the surveyor, he found that the land did not belongs to Mz.Emily Richard. When questioned the petitioner Emily Richard about the property litigation, she told that she owned another two plots for 5112 sq.ft. and 7200 sq.ft. respectively at pirattiyur village and she showed the related documents. On 9.4.13, the defacto complainant had paid Rs.5 Lakhs and Rs. 15 Lakhs respectively to Emily Richard as token advance for the above 2 lands, and received the original documents 5 days later. Out of the above said 2 lands, the land to the extent of 7200 sq.ft was in the possession of one Tr.Karmugil of Trichy and when enquired about the another land measuring 5112 sq.ft. he came to know that the same land was sold to several persons by Muthukrishnan of Edaimalaipattipudur, Trichy. Emily Richard asked the defacto complainant to give Rs.3,00,000/- & 80,000/- in two installments at her house and was handed over to two different person at her house as per her instructions. When questioned about the land and asked to return the money back, the petitioner Emily Richards replied that she will not return the money for the land and he can purchase her 8 acres of land at Varahaneri she told that it has no litigation. For that the petitioner Emily Richard asked the defacto complainant to pay Rs.10 Lakhs more to get the original document. As per her version, the defacto complainant paid Rs.10 Lakhs to her and when verified it was also found to be fake document. The petitioner had refused to return the money and cheated the complainant by giving forged documents for the land which is not her own property. The petitioner had cheated the defacto complainant in the pretext of selling land by showing forged documents for the amount of Rs.43,80,000/-, The defacto complainant had filed a direction petition before the Madurai bench of Madras High Court in Crl.OP (MD) No.22217/2013 and had received a direction in his favor.

5. I respectfully submit that the preliminary enquiry revealed that the accused Emily Richard and her daughter Pearlin Vincent had cheated the complainant to the said amount by giving following documents as original documents of the concerned land.

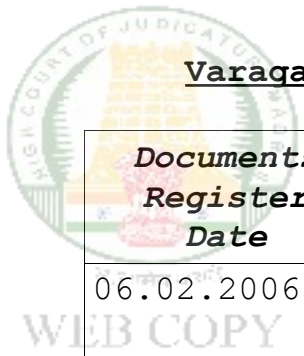


Valavanthankottai property documents details:

<i>Documents Register Date</i>	<i>Documents No.</i>	<i>Survey No.</i>	<i>Owner</i>	<i>Purchase</i>
25.06.1980	1477/80	257/4-1.38 257/5-1.14 258/3-0.77 Total-3.19	K.Shanmugam (Ancient)	A.Mariyadoss
21.08.1996	306/96	257/4-1.38 257/5-1.14 258/3-0.77 Total-3.19	A.Mariyadoss	A.Albert (Power)
30.08.1996	6915/96	257/4-1.38 257/5-1.14 258/3-0.77 Total-3.19	B.Albert	Pearlin Vincent

Pratiyur (Karumandapam) Property Documents details:

<i>Documents Register Date</i>	<i>Documents No.</i>	<i>Survey No.</i>	<i>Owner</i>	<i>Purchase</i>
19.04.2004	1748/04	Patta No.338, Survey No.22/1-31 cent.	Muthukrishnan	M.Prathab (Gift Settlement)
18.05.2004	2153/04	Patta No.338, Survey No.22/1-31 cent.	M.Prathab	P.Nirmala (Gift Settlement)
04.02.2005	416/05	Patta No.338, Survey No.22/1-31 cent.	P.Nirmala	Emily Richard (Registered)



Varaganeri property documents details:

Documents Register Date	Documents No.	Survey No.	Owner	Purchase
06.02.2006		Survey No.45 8 acres	Syed Basha	Emily Richard (Power)
26.02.2008	1951/08	Patta No.1376 Survey No.45 8 acres	Emily Richard	Pearlin Vincent (Gift Settlement)

3. Learned counsel for the petitioners submitted that the petitioners have got title to the property and he produced a copy of patta.

4. On the contrary, it is the case of the prosecution that the petitioners do not even have any title and produced fake documents to establish their title.

5. It is seen that the petitioners have agreed to sell the property over which they have no title. It is also brought to my notice that a similar case is pending in CCB, Trichy City in Crime No.17 of 2014 on the complaint given by one D.Muralikrishnan.

6. Taking into consideration the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to these petitioners. Hence, the Criminal Original Petition is dismissed.

sd/-
13/01/2015

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Sub-Assistant Registrar (C.S.)

TO

1 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TRICHY.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.SATHISH BABU, Advocate SR.No.1881.

ORDER IN
CRL OP(MD) No.15751 of 2014
Date :13/01/2015

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