



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

Monday, the Twenty Sixth day of October Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.15771 of 2015

MUTHUSAMY

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY

THE INSPECTOR OF POLICE

RAMJI NAGAR POLICE STATION, TRICHY DISTRICT

(CRIME NO.NOT KNOWN OF 2015) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.GOKULARAJ Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

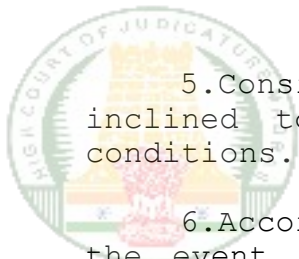
The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 506(i) and 420 of IPC, in Crime No.192 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant that he entered into an agreement with the accused to purchase the property to an extent of 2400 sq. feet bearing Flat No.149 comprised in Survey No.510/12 for a sale consideration of Rs.3,47,000/- and also paid Rs.2,61,000/- towards advance and thereafter, the accused did not come forward to execute the sale deed nor returned the advance amount and thereby, cheated the de-facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel further submitted that the petitioner is neither a owner of the property nor a power agent of the original owner and there was a money transaction between the original owner and the de-facto complainant and the de-facto complainant somehow received all the documents from the original owner and by misusing the same, created the sale deed and in this regard, the original owner lodged a complaint, which is pending enquiry. The learned counsel further submitted that the de-facto complainant claims right over the property, based on the sale agreement, dated 14.11.2014, which is disputed by the petitioner and instead of approaching a competent civil court, he lodged a complaint to settle the dispute before the criminal forum.

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

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent.



5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.III, Trichy and on his 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 petitioner shall appear before the respondent police daily at 06.00 p.m for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner 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/-
26/10/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,NO.II, TRICHY
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
 3. THE INSPECTOR OF POLICE,RAMJI NAGAR POLICE STATION, TRICHY DT,
 4. THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.GOKULARAJ Advocate SR.No.62430

ORDER
IN
CRL OP(MD) No.15771 of 2015
Date :26/10/2015

GJM/GSV/PM/28.10.15-2P-6C