



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

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CRL OP(MD) No.15864, 16004 and 16224 of 2015

1 A. ANANTHAKRISHNAN
2 S. KOWSALYA
3 DR. C. SUNDARESH

... PETITIONERS/ACCUSED
(IN CRL OP(MD) No.15864 of 2015)

1 GOWRI
2 ARUN PRASATH @ ARUN PRAKASH

... PETITIONERS/ACCUSED 5,9
(IN CRL OP(MD) No.16004 of 2015)

1 RAJA RAJESWARI
2 KATHIRESAN
3 KAYATHRI
4 SATHIYANARAYANAN

... PETITIONERS/ACCUSED 2,3,6&8
(IN CRL OP(MD) No.16224 of 2015)

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO. 252/2015

... RESPONDENT/COMPLAINANT
IN ALL THE PETITIONS

S.VIJAYA

... PETITIONER/INTERVENOR

FOR PETITIONER : M/S.M.SUBASH BABU ADVOCATE
(IN CRL OP(MD) No.15864 of 2015)
: M/S.B.MURUGANANDAM
(IN CRL OP(MD) Nos.16004 and 16224 of 2015)

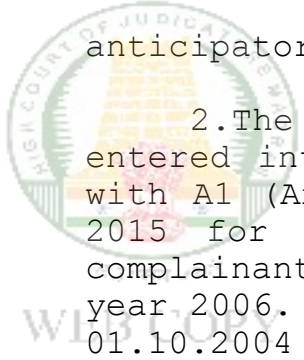
FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)
IN ALL THE PETITIONS

FOR INTERVENOR : MR.S.PALANI VELAYUTHAM

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the alleged offence punishable under sections 143, 120-B, 406, 420 and 506(ii) of I.P.C, in Crime No.252 of 2015, seek



anticipatory bail.

2.The case of the prosecution is that the defacto complainant entered into an agreement of sale of petrol bunk in the year 2004 with A1 (Ananthakrishnan), the petitioner in CrI.O.P(MD)No.15864 of 2015 for total sale consideration of Rs.55 lakhs. The defacto complainant has given a sum of Rs.30 lakhs to the petitioners in the year 2006. Subsequently, the defacto complainant paid Rs.10 lakhs on 01.10.2004 and deposited another sum of Rs.20 laksh on 30.12.2004 as directed by the first accused into the account of one Rajeswari/A2, wife of A1 (Ananthakrishnan). Again the defacto complainant deposited Rs.10 lakhs on 22.07.2006 as directed by A1 in the account of one Gayathri/A6, D/o.Ananthakrishnan, and another sum of Rs.15 lakhs in the year 2006 in the account of A1. Subsequently, A1 entered into an another agreement with the defacto complainant on 21.10.2006 for transferring the IOC agreement and subsequently, the first accused refused to sign the document sought for by the defacto complainant and therefore, the defacto complainant has given a complaint for criminal breach of trust and hence, the case has been registered in Crime No.252 of 2015 for the offenses stated above.

3.According to A1, he did not execute any sale agreement and the defacto complainant created the sale agreement in the year 2004. On coming to know the same, he has given a complaint in the year 2015 and that the respondent police given only CSR. The first accused filed CrI.O.P.(MD)No.11463 of 2015 for a direction to register the FIR. This Court by order dated 24.06.2015 along with other Criminal Original Petitions, issued direction to the respondent police to register a case.

4.The learned counsel for the petitioner submitted that this is case of civil in nature and that the petitioners have not committed any offence and they are innocent.

5.The learned Government Advocate(crl. Side) appearing for the State submitted that the investigation is pending.

6.Heard the learned counsel appearing for the intervenor.

7.Considering the fact that the sale agreement entered into in the year 2004 and the complaint is given in the year 2015, this Court is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Musiri and on executing a personal 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 first accused/petitioner in CrI.O.P.(MD)No.15864 of 2015 shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required. The other petitioners shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.



8.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/-
23/11/2015

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

TO

1. THE JUDICIAL MAGISTRATE, MUSIRI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- + 1 CC TO M/S.M.SUBASH BABU, ADVOCATE SR.NO. 67064
- + 1 CC TO M/S.S.PALANI VELAYUTHAM, ADVOCATE SR.NO. 66973
- + 2 CC TO M/S.B.MURUGANANDAM, ADVOCATE SR.NO. 66993, 66994

ORDER
IN
CRL OP(MD) No.15864, 16004
and 16224 of 2015
Date :23/11/2015

3P/9C

TE/AAL-MPA/SAR-I : 04/12/2015