



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

Thursday, the seventh day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16596 of 2015

S.PADMANABAN

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION
THANJAVUR DISTRICT
IN CR NO 533 /2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S V.P.RAJAN Advocate

For Respondent : MRS.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 accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 405 and 420 of IPC, in Crime No.533 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the defacto complainant, the accused purchased her property for Rs.11,00,000/- and paid totally Rs.9,49,000/- and in-turn sold the property to one Mani on 09.05.2013 vide document No.6200 of 2013 for Rs.16,80,000/- and when the defacto complainant asked the accused to pay the balance amount, she was threatened with dire consequences.

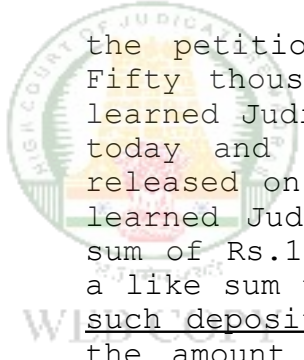
3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he purchased the property for a total sale consideration of Rs.11,00,000/- (Rupees Eleven Lakhs only) and paid Rs.9,50,000/- admittedly and as per the agreement, the defacto complainant has to obtained a No Objection Certificate from SIPCOT and since the certificate was not produced, the accused has not paid the balance sale consideration of Rs.1,50,000/-

4.Heard the learned Government Advocate (Crl.side) appearing for the respondent and perused the allegations in the FIR.

5. It is not in dispute that the accused has to pay the balance sale Consideration of Rs.1,50,000/- to the defacto complainant and he sold the property to one Mani in the year 2013 itself.

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

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on condition that



the petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty thousand only) to the credit of Crime No.533 of 2015 before the learned Judicial Magistrate, Kumbakonam within a period of two weeks from today and on receipt of the same, the petitioner is entitled to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Kumbakonam and on 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 such deposit, the learned Judicial Magistrate, Kumbakonam shall disburse the amount to the defacto complainant on proper identification and on further condition that the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-
07/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE, KUMBAKONAM

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE, THANJORE DISTRICT

3 THE INSPECTOR OF POLICE, KUMBAKONAM WEST POLICE STATION, THANJAVUR DIST

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

+1. CC to M/S V.P.RAJAN Advocate SR.No.59525.

ORDER
IN
CRL OP(MD) No.16596 of 2015
Date :07/10/2015

AM/19.10.2015/SK.SKN/SAR-I/2P/6C