



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

Friday, the Fourth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16984 of 2015

1 A. JAWAHAR ALI
2 K. NASREEN

..PETITIONERS/ACCUSED 1 and 2

Vs.

STATE REP.BY
THE SUB INSPECTOR OF POLICE
AVANIAPURAM POLICE STATION,
MADURAI CITY.
IN CRIME NUMBER 834/2015

... RESPONDENT/COMPLAINANT

For Petitioners : M/S N.ANANTHAPADMANABAN 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 petitioners, who are arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(I) of the Indian Penal Code in Crime No.834 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the defacto complainant-Haja Mohideen that he purchased the property belonged to the second accused in the name of his son for a total 28,00,000/- and at the time of sale, the accused have suppressed the encumbrance with Bank and later threatened the defacto complainant with dire consequences.

3. The learned counsel for the petitioners submitted that the son of the defacto complainant purchased the property from the second petitioner through a registered sale deed, dated 25.11.2010 and there was an agreement between the parties, dated 25.11.2010, which would show that the son of the defacto complainant has retained Rs.8,00,000/- for settlement of the loan with the Bank and suppressing the fact, this complaint has been filed against the petitioners.

4. It is further submitted that the property was purchased in the year 2010 and as per the agreement, the son of the defacto complainant has failed to pay the loan amount with the Bank and hence, they initiated proceedings under SARFAESI Act 2002, which is now challenged by the son of the defacto complainant before the Debts Tribunal in S.A.No.253 of 2014.



5. Per contra, the learned Government Advocate (Criminal Side) submitted that the case was registered, as per the direction issued by this Court in Crl.O.P(MD)No.8371 of 2015 and the first accused, who is working in Income Tax Department, has threatened the defacto complainant without paying the due to him. It is further submitted that the accused has suppressed the mortgage with the Bank and executed the sale deed.

6. Considering the facts, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.VI, Madurai and on each of them 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 petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
04/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.VI
MADURAI.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

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

4 THE SUB INSPECTOR OF POLICE
AVANIAPURAM POLICE STATION,
MADURAI CITY.

+1. CC to M/S N.ANANTHAPADMANABAN Advocate SR.No.52041
Akm/08.09.2015 /2p-6c/

ORDER
IN
CRL OP(MD) No.16984 of 2015
Date :04/09/2015