



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

Monday, the Thirtieth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.17119 of 2015

1 RAMAMIRTHAM
2 K. THILAGAR
3 K. JAWAHAR
4 J. SRIRAGAVENDRA
5 J. SRIRAM

... PETITIONERS/ACCUSED Nos.1 to 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY CITY.
(CRIME NO. 14 OF 2015)

... RESPONDENT/COMPLAINANT

T.SANKARALINGAM

... PETITIONER/INTERVENER

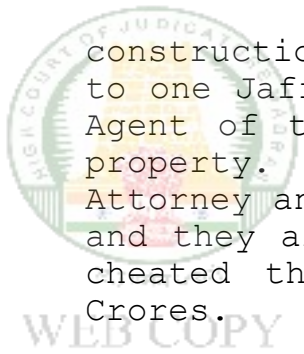
FOR PETITIONER : M/S S.C.HEROLD SINGH ADVOCATE
FOR RESPONDENT : MR.P.KANNAIDDEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)
FOR INTERVENER : MR.A.THIRUVADI KUMAR, ADVOCATE

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 to 5, in Crime No.14 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i), 417, 420, 465, 471 and 120(b) IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the owners of the property in question. They approached the defacto complainant's wife for redeeming the property from the Bank which was mortgaged in the Bank. The defacto complainant's wife gave 34,34,791/- and the property was redeemed. The petitioners and the defacto complainant's wife entered into a joint venture agreement, wherein it was agreed that 50% of the total construction would be allotted to the defacto complainant's wife. G.W.O.P. Was filed by the defacto complainant's wife on behalf of the fourth and fifth petitioners who were minors at that time. The petitioners manipulated the joint venture agreement and filed a fabricated agreement in the Court. They executed a Power of Attorney appointing the defacto complainant's wife as their agent. The defacto complainant's wife has invested a sum of Rs.1.75 Crores for



construction of the building. She sold 120 sqft in the ground floor to one Jaffar Singh, who is also arrayed as Accused No.6. As Power Agent of the petitioners, the defacto complainant's wife sold the property. Subsequently, the petitioners cancelled the Power of Attorney and sold some of the properties to the sons of Accused No.6 and they are also arrayed as Accused Nos.8 and 9. The petitioners cheated the defacto complainant's wife to the tune of Rs.1.75 Crores.

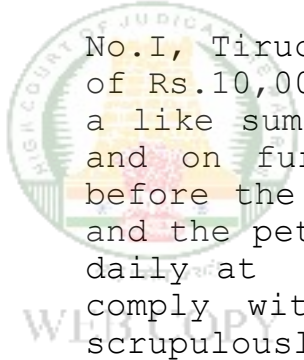
3. The case of the petitioners is that the defacto complainant's wife did not perform her part of the contract by failing to deposit the value of 1/16 of minor share in the property into the Court. The defacto complainant's wife failed to complete the construction and therefore, the petitioners cancelled the Power of Attorney and completed the construction in the year 2015, after a period of 7 years. The defacto complainant's wife has filed O.S.No.802 of 2015 to declare the joint venture agreement to be in force till date and to declare the subsequent sales are null and void and for injunction restraining the petitioners from interfering the property. No interim order was granted and the suit is pending. In order to extract money from the petitioners, the defacto complainant who is nothing to do with the transaction, has given the complaint. The defacto complainant is the agreement holder. The defacto complainant has not filed any power of attorney. The agreement holder has not given any complaint, but she filed a suit in O.S.No.802 of 2015. The respondent police are pressuring the petitioners to settle the amount.

4. The learned Counsel for the intervenor reiterated the averments made in the intervening petition and submitted that the defacto complainant's wife has invested the sum of Rs.1.75 Crores and the petitioners have cancelled the Power of Attorney given to the defacto complainant's wife and sold the remaining the remaining portions to other accused and cheated the defacto complainant's wife.

5. The learned Government Advocate (Crl.Side) submitted that the investigation is pending.

6. From the materials available, it is seen that the transaction is started in the year 2008 and the Power of Attorney was executed in favour of the defacto complainant's wife in the year 2009. According to the petitioners, the defacto complainant's wife failed to perform her part of contract and therefore, the joint venture agreement and the Power of Attorney were cancelled. The defacto complainant's wife has filed the suit in O.S.No.802 of 2015, on the file of the District Munsif Court, Tiruchirappalli and the suit is still pending.

7. In view of the pendency of the suit and in view of the fact that the joint venture agreement was entered in the year 2008, I am 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.I, Tiruchirappalli 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 first petitioner shall appear before the respondent police as and when required for interrogation and the petitioners 2 to 5 shall appear before the respondent police daily at 10.00 a.m. until further orders. 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/-
30/11/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
TIRUCHIRAPPALLI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 CC To M/S S.C.HEROLD SINGH, ADVOCATE IN SR.No. 68699
+ 1 CC TO MR.A.THIRUVADI KUMAR, ADVOCATE IN SR NO. 68621

ORDER
IN
CRL OP(MD) No.17119 of 2015
Date :30/11/2015

3P/7C
TE/AAL-MPA/SAR-II : 02/12/2015