



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

Thursday, the Tenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.17890 of 2015

A.K.MOHAMMED FAROOK

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP. BY ITS
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY.
(CR. NO.12/2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.J.JEYAKUMARAN Advocate

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)

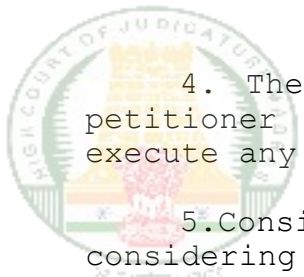
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b) and 420 of IPC in Crime No.12 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and others received money from number of persons and did not execute the sale deed. On the complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a document writer and he is doing real estate business and the de facto complainant is the broker to the petitioner. The petitioner purchased the land in Chokkanathapuram Village and Omathur Village and formed a lay out. He has collected money from various customers on instalments, stating that after completion of 24 months, he will execute a sale deed in favour of them. He further submitted that the petitioner is aged about 62 years and he lost his memory and he is bed ridden, due to that, de facto complainant approached the petitioner and assured that he will complete the sale transaction. Believing said statement, the petitioner executed a power of attorney, appointing the de facto complainant as a power agent, and subsequently, the de facto complainant cheated the petitioner and executed a agreement of sale with third parties. It is stated that now the petitioner is willing to execute the sale deeds to the customers the list to whom the sale deeds were furnished to him. He further contended that the petitioner is innocent person and he has been falsely implicated in this case.



4. The learned Government Advocate (Crl. Side) submitted that the petitioner after receiving money from number of persons, he did not execute any sale deed and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner only appointed the de facto complainant as power agent and that the petitioner is willing to execute the sale deed, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thuraiyur 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 10.00 a.m., until further orders. 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/-

10/12/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THURAIYUR.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE DISTRICT CRIME BRANCH, TRICHY.

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

+1. CC to Mr.J.JEYAKUMARAN Advocate SR.No.70850

ORDER

IN

CRL OP(MD) No.17890 of 2015

Date :10/12/2015

trp

NS/GSV-AN/SAR I/14.12.2015 : 2P/6C