



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.18190 of 2015

S. AROCKIASAMY SUNDARAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

CITY CRIME BRANCH,

TRICHY CITY.(CR.No.16/2015)

... RESPONDENT / COMPLAINANT

F.R.S.JOHN KENNEDY

... INTERVENOR

For Petitioner : M/S.B.JAMEEL ARASU Advocate

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

For Intervenor : Mr.G.KARNAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole Accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 420 and 506(i) of IPC, in Crime No.16 of 2015 on the file of the first respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that both the petitioner and the de-facto complainant are brothers. While the de-facto complainant was working in abroad during the year 2001-2005, he sent money to the petitioner with instructions to purchase some property in India in his name, but, the petitioner purchased the property in his name and in the name of his wife. After the de-facto complainant came back to India, the petitioner refused either to give the property or to return the money to him, which prompted the de-facto complainant to prefer the complaint against the petitioner for the offences stated above.

3. The case of the petitioner is that he is working as a Technician in BHEL at Trichy and whatever the money he received from the de-facto complainant, was returned to him in the year 2006 itself. According to him, previously also, the de-facto complainant had given a similar complaint against the petitioner and subsequently, the said complaint was withdrawn by him.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

5. The learned counsel for the Intervenor submitted that the de-facto complainant had to exchange a property, measuring an extent of 15 cents, situated in S.No.102/3B at Chengipatti, Thanjavur, for which, the de-facto complainant was not agreeable, resulting in, the de-facto



complainant lodging a complaint before the Inspector of Police, Anti Land Grabbing Special Cell, Thanjavur. Since the Inspector of Police, Anti Land Grabbing Special Cell, Thanjavur, directed the de-facto complainant to approach the police station concerned, the present complaint came to be lodged with the respondent police.

6. The learned Government Advocate (Criminal side) submitted that the petitioner is working as a Technician in BHEL at Trichy and earlier, the de-facto complainant had given a similar complaint against the petitioner, however, the same was subsequently withdrawn by him.

7. From the materials, it is seen that the petitioner and the de-facto complainant are brothers and during the year 2001-2005, the de-facto complainant sent money to the petitioner to purchase property for the de-facto complainant.

8. From the submission of the learned Government Advocate (Criminal side), it is seen that a similar complaint previously lodged by the de-facto complainant as against his brother/petitioner was later withdrawn. On the face of it, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Trichy, 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 twice, i.e., at 10.00 a.m., and 5.00 p.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10. 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/-
16/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY
2. -do- thro' THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.B.JAMEEL ARASU Advocate SR.No.72308

+1 CC to Mr.G.KARNAN, Advocate, SR No.72066

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<https://hccs.courts.madras.gov.in/CaseFiles/23.12.2015:2P/7C>

ORDER IN

CRL OP(MD) No.18190 of 2015

Date :16/12/2015