



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

Monday, the Fifth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18709 of 2015

WEB COPY

K.V.M.JEEVA

... PETITIONER/ACCUSED NO.1

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 403 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.MUTHU VIJAYA PANDIAN 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 420 and 109 IPC in Crime No.403 of 2015 on the file of the respondent Police and hence, seeks anticipatory bail.

2.According to the de facto complainant that on 02.11.2012 the petitioner had entered into a sale agreement agreeing to sell his property for a total consideration of Rs.30 lakhs and received Rs.20 lakhs as advance and when the said agreement was in force, the petitioner has settled the said property in favour of his own brother and thereby cheated the de facto complainant.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned counsel for the petitioner further submitted that the de facto complainant is a Manager of various financial companies at Karur and the petitioner had entered into an agreement of sale as security, while obtaining loan from the Finance companies and even after repaying the entire loan amount through RTGSO, the present complaint is given. It is further submitted that as per the agreement dated 02.11.2012, the de facto complainant ought to have paid the balance consideration of Rs.10 lakhs, within a period of one month, but, after a period of 36 months, the present complaint is given with an ulterior motive.

5.It is further submitted that as per the instruction of the de facto complainant a general power of attorney has been executed in favour of one Senthilvel by the petitioner on the very same date of



agreement. In the said general power of attorney, the de facto complainant has signed as one of the witnesses, which reveals the sale agreement was executed as a security for the loan transaction. The learned counsel filed Bank statement to show the payments made by the accused to the Finance companies.

6. The learned counsel for the intervenor vehemently opposed for granting anticipatory bail to the petitioner and submitted that after receipt of Rs.20 lakhs as advance from the de facto complainant, with a view to cheat the de facto complainant, the petitioner has settled the property in favour of his own brother. It is further contended that the de facto complainant has issued notice to the petitioner, for which, he did not send any reply and payment made by the accused to the Finance companies is nothing to do with this transaction.

7. Heard the learned Government Advocate (Crl.side) appearing for the respondent Police.

8. Considering the facts and circumstances of the case, 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, Kodaikanal 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 further condition that the petitioner shall appear before the respondent police daily at 10.00 am until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. 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/-
05/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, KODAIKANAL.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT.

+1. CC to M/S P.MUTHU VIJAYA PANDIAN Advocate SR.No.58510

Akm/12.10.2015 /2p-6c/

ORDER
IN
CRL OP (MD) No.18709 of 2015
Date :05/10/2015