



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

Thursday, the Twenty Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18881 of 2014

GURU AMBETH

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, THENI DISTRICT.

CR. NO. 40 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.GURURAJ Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government Advocate(crl.side)

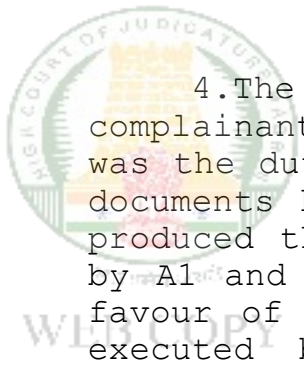
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 468, 471, 420 IPC r/w.120(b) of IPC, in Crime No.40 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant, A.M.Ibrahimkutti, he purchased properties in S.No.180, 162/3A and 162/3B of Seelayampatti village, Uthamapalayam Taluk, Theni District from A3, by a registered sale deed, dated 10.02.2011 in document No.638 of 2011 and leased out the property to one Ms/.Renewable Energy Generation Private Limited for a period of 27 years and later, he found that A3's vendor, namely A1 and A2 have pledged the property with the Bank of Trivancore and obtained two crores loan, which was deliberately suppressed by A3 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 not committed any offence as alleged by the prosecution. The learned counsel further submitted that the de-facto complainant had purchased 2.33 Acres in S.F.No.180 from the petitioner, by a registered sale deed, dated 10.02.2011 and by a registered sale deed, dated 08.03.2011, he sold the entire property to M/s.Grace Infrastructure Private Limited, but filed this complaint on 04.03.2014 alleging that the petitioner/A3 had suppressed the mortgage by A1 and A2.



4.The learned counsel further submitted that the de-facto complainant has no *locus standi* to prefer this complaint now and it was the duty of the de-facto complainant to verify all the original documents before purchasing the property. The learned counsel has produced the typed set of papers containing the sale deed executed by A1 and A2 in favour of A3 and the sale deed executed by A3 in favour of the de-facto complainant and the copy of the sale deed executed by the de-facto complainant in favour of M/s.Grace Infrastructure Private Limited. It is further submitted that the Bank of Trivancore has preferred a complaint against A1 & A2 and the petitioner as well as his sister for transferring the property and in that case, the accused were granted anticipatory bail by this court in CrI.O.P(MD)No.6588 of 2014, dated 22.04.2014.

5.Heard learned Government Advocate (Criminal side) appearing for the respondent.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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.1, Theni 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.

8.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/-
23/07/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I, THENI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3.THE ADDL.PUBLIC PROSEUCTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
- +1. CC to M/S.M.GURURAJ Advocate SR.No.41009

ORDER IN
CRL OP(MD) No.18881 of 2014
Date :23/07/2015