



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.23606 of 2015

ELANGO VAN

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
CR.NO. 503/15
U/S. 406, 420 IPC

... RESPONDENT / COMPLAINANT

For Petitioner : M/S KR.SINGARAVADIVEL Advocate
For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl. Side)
For Intervenor : Mr.A.THIAGARAJAN, Advocate

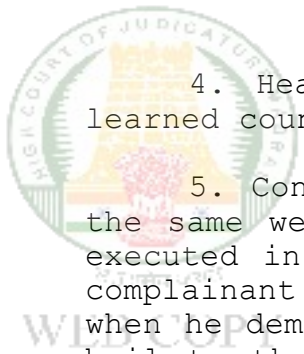
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, in Crime No.503 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of the Indian Penal Code and hence, seeks anticipatory bail.

2. The case of the prosecution is that one Dr.Pradeepa was the owner of the property to the extent of 3280 sq.ft. She appointed one Navaneethakrishnamaharajan, Son of M.Solaimalai Raja, as her power agent. The petitioner agreed to purchase the property for a total sum of Rs.16,40,000/-. He paid Rs.4,00,000/- as advance. At the time of registration, he paid Rs.6,00,000/- cash and issued two cheques for a sum of Rs.2,50,000/- each and promised to pay the balance sum of Rs.1,40,000/- within a week. Believing the said promise, the defacto complainant executed a sale deed in favour of the petitioner, but the petitioner did not pay the sum of Rs.1,40,000/- as agreed. When the cheques were deposited in the Bank, the same were returned with an endorsement as 'insufficient funds'. When the defacto complainant demanded money, the petitioner abused him in filthy language and threatened him with dire consequences.

3. The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged in the prosecution. The cheques issued by the petitioner were returned for insufficient funds and therefore, the defacto complainant can proceed only against the petitioner as per the proceedings of 138 of the Negotiable Instruments Act.



4. Heard the learned Government Advocate (Criminal Side) and the learned counsel for the Intervenor.

5. Considering the fact that the petitioner issued two cheques and the same were dishonoured on presentation, based on which sale deed was executed in his favour and the allegation is that he abused the defacto complainant in filthy language and threatened with dire consequences, when he demanded money, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/12/2015

/ TRUE COPY /

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

TO

1. THE SUB INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to Mr.A.THIYAGARAJAN, Advocate, SR No.72121

+1 CC to Mr.KR.SINGARAVADIVEL, Advocate, SR No.72464

ORDER
IN
CRL OP(MD) No.23606 of 2015
Date :16/12/2015

ps
SH/KBM:21.12.2015:2P/5C