



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.23952 of 2015

R.ATHILINGAM

... PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL.
CR NO.10 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY 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 sole accused, in Crime No.10 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, 420 and 506(i) of the Indian Penal Code and hence, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant approached one Jayabharathi and expressed his willingness to purchase his property and thereby, they entered into an unregistered sale agreement and paid a sum of Rs.86 lakhs as advance and agreed to pay the balance sale consideration of Rs.60 lakhs within two months. In the meantime, the defacto complainant is not in a position to pay the remaining amount to fulfil the agreement. Hence, they agreed to rescind the sale agreement and also consented to sell the land to the petitioner and the petitioner agreed to pay the advance amount of Rs.86 lakhs to the defacto complainant and issued two cheques. The cheques were dishonoured on presentation. When defacto complainant demanded payment, petitioner threatened defacto complainant that he would kill him and his family members.

3. The learned counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. The petitioner is having transaction only with Jayabharathi and after getting power of attorney, he issued cheques to the said Jayabharathi. But, the cheques presented by the petitioner were dishonoured and he did not prefer any private complaint and in order to give a criminal colour to a civil dispute, the defacto complainant had lodged a false complaint against the petitioner.



4. The learned Government Advocate (Criminal Side) submitted that absconding charge sheet was filed and the defacto complainant has also filed a civil suit in O.S.No.99 of 2015 before the District Court, Dindigul, for recovery of money.

5. Considering the facts and circumstances of the case and also considering the fact that absconding charge sheet was filed and defacto complainant had filed a suit in O.S.No.99 of 2015 for recovery of money, 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 No.II, Dindigul 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 **concerned Court on all future hearings regularly**. The petitioner shall comply with the conditions 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/-
16/12/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

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
DISTRICT CRIME BRANCH, DINDIGUL.

+1. CC to M/S S.MAHENDRAPATHY Advocate SR.No.72293

Akm/29.12.2015/2p-6c/MP/PM/SAR-I

ORDER
IN
CRL OP(MD) No.23952 of 2015
Date :16/12/2015