



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

Wednesday, the Twelfth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.4937 of 2015

1 G.MEENA
2 D.DILLON @ GANESAN
3 C.SELVAM

..PETITIONERS/ACCUSED

Vs.

THE SUB-INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DINDIGUL.
CR.NO. 63 OF 2013

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.M.SENDHILKUMAR 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 :-

This is the third application filed by the petitioners seeking anticipatory bail for the alleged offences punishable under Sections 120(b), 406, 420, 423, 294(b) and 506(i) of I.P.C., in Crime No.63 of 2013 on the file of the respondent police.

2. According to the de-facto complainant, the accused had entered into an agreement to sell their property for total sale consideration of Rs.9,75,000/- and received Rs.1,55,000/- towards advance amount, but failed to come forward to execute a sale deed and later it came to light that they had already entered into an agreement with some other party in respect of the same property.

3. The learned counsel for the petitioners submitted that they entered into an agreement with the de-facto complainant and received Rs.50,000/-, subsequently the de-facto complainant has not paid the balance sale consideration and he was not ready and willing to perform his obligation and filed this criminal complaint with an ulterior motive. The learned counsel for the petitioners further submitted that by producing fabricated sale agreement, the de-facto complainant has got direction to register a case under Section 156(3) of Cr.P.C.

4. Per contra, the learned counsel for the intervenor submitted that before entering into a sale agreement, the de-facto complainant has paid Rs.50,000/- to the accused and on the date of sale agreement, he paid Rs.1,00,000/- towards advance amount and he was

5. Heard the learned Government Advocate (Crl.side).



6. The learned counsel for the petitioners submitted that without prejudice to their right, the second petitioner is ready to deposit Rs.1 lakh to the credit of the Crime Number and the second petitioner has also filed an affidavit to that effect dated 29.04.2015.

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7. Considering the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.II, Dindigul District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on condition that the second petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.63 of 2015 before the learned Judicial Magistrate No.II, Dindigul within a period of two months from today and the petitioner shall appear before the respondent police as and when required. 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.

9. Post for reporting compliance on 12.10.2015.

sd/-

12/08/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL DISTRICT, DINDIGUL.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL.

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

4 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI.

+1. CC to M/S.M.SENDHILKUMAR Advocate SR.No.46642

Akm/19.08.2015 /2p-6c/

ORDER

IN

CRL OP(MD) No.4937 of 2015

Date :12/08/2015