



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

Friday, the Twelfth day of June Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) Nos.5133, 5423, 7309 & 6708 of 2015

PUNNAIVANAM ... PETITIONER/SOLE ACCUSED IN CRL.OP(MD)NO.5133/15

P.HARI KRISHNAN ... INTERVENOR IN CRL.OP(MD)NO.5133/15

A.SAKKARAI ... PETITIONER/ACCUSED NO.4 IN CRL.OP(MD)NO.5423/15

1. POOCHAN

2. ALAGAMMAL ... PETITIONERS/ACCUSED NOS.3 & 7 IN CRL.OP(MD)NO.7309/15

D.PAULRAJ ... PETITIONER/ACCUSED NO.5 IN CRL.OP(MD)NO.6708/15

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

CRIME NO.NOT KNOWN OF 2015 ... RESPONDENT/COMPLAINANT
IN CRL.OP(MD)NO.5133/15

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

CRIME NO.8 OF 2015 ... RESPONDENT/COMPLAINANT
IN CRL.OP(MD)NO.5423/15

(Amended as per the order of this Hon'ble Court
dated 20.04.2015 and made in MP(MD)No.1/15
in Cr1.OP(MD)No.5423/15)

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

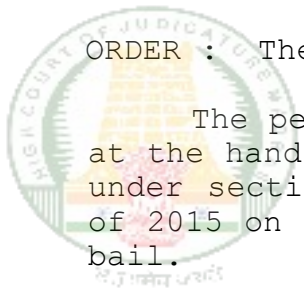
CRIME NO.8 OF 2015 ... RESPONDENT/COMPLAINANT
IN CRL.OP(MD)NOS.7309 & 6708/15

FOR PETITIONER : M/S.G.MARIMUTHU ADVOCATE IN CRL.OP(MD)NO.5133/15
M/S.B.N.RAJA MOHAMED ADVOCATE
IN CRL.OP(MD)NOS.5423, 7309 & 6708/15

FOR INTERVENOR : M/S.NIRANJAN KUMAR, ADVOCATE
IN CRL.OP(MD)NOS.5133 & 7309/15

FOR RESPONDENT : MR.K.V.RAJARAJAN, GOVT. ADVOCATE (CRL. SIDE)
IN ALL THE PETITIONS

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



ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 to A5 and A7 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 406, 420, 465, 468, 471 and 120(B) of IPC, in Crime No.8 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

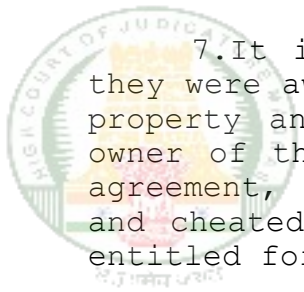
2. According to the de-facto complainant, he is doing textile business in Andhra Pradesh and in the month of May 2011, A3 and A4, namely Poochan A.Sakkarai had approached his father Balusamy and represented that the land in S.F.No.5/7A1 to an extent of 30 cents belongs to one P.Punnaivanam/A1 and he introduced him to purchase the property and also received Rs.10,000/- and thereafter, A1, A3 and A4 negotiated with his father to sell the property for Rs.9,00,000/- and one month thereafter, received Rs.3,00,000/- towards advance. The 5th accused D.Paulraj had obtained the encumbrance certificate and informed that the land belongs to A1 and thereafter, on 04.05.2011 A1 brought the A2 to the Registration Office saying that he is the owner of the property and executed a sale deed, after receiving the balance sale consideration of Rs.5,90,000/- and thereafter, it was found that the land does not belong to A1 and A2 and thereby, the accused have cheated the de-facto complainant.

3. Heard. Mr.G.Marimuthu and Mr.B.N.Raja Mohamed, the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) as well as Mr.Niranjan S Kumar, learned counsel for the intervener and perused the records.

4. According to the learned counsel for the petitioners, the accused are innocent persons and they have been falsely implicated in this case. It is further submitted that the prime accused A1 was remanded to judicial custody. It is further submitted that A3 to A5 are only mediators and they are nothing to do with the alleged occurrence and there is no specific overtact attributed against them.

5. Per contra, the learned counsel for the intervener submitted that A1 had entered into an agreement with the father of the de-facto complainant on 03.03.2011 agreeing to sell the property in S.F.No.5/8A1 to an extent of 12 cents for the sale consideration of Rs.9,21,000/- and received of Rs.3,00,000/- as advance and thereafter, on 04.05.2011, the accused had executed a sale deed in respect of the property situated in S.F.No.5/7A and the sale deed was executed by A2. It is further submitted that A1 and A2 had already sold this property by a registered sale deed, dated 27.12.2010, which shows that A1 and A2 have no right in the property, have entered into an agreement and also sold the property by cheating the de-facto complainant.

6. The learned counsel for the intervener further submitted that on 22.04.2012, the accused had entered into an agreement with the de-facto complainant, admitting the offence committed by them and also agreed to transfer the property in favour of the de-facto complainant, which was also not fulfilled by them. It is further submitted that A2 had instituted a suit in O.S.No.143 of 2014 against the de-facto complainant and the respondent police for permanent injunction restraining from disturbing him and also filed an application in I.A.No.298 of 2014 for



7.It is further submitted that A3 and A4 had acted as brokers and they were aware of the fact that A1 and A2 are not the real owners of the property and A5 had obtained false certificate stating that A1 is the owner of the property and A7, who is the wife of A3 is a party to the agreement, dated 22.04.2014 and all the accused have conspired together and cheated the de-facto complainant and therefore, the accused are not entitled for anticipatory bail.

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

9.Considering the nature of the allegation made against the petitioners, this court is of the view that custodial interrogation of the petitioners is very much necessary in this case and hence, the petitioners are not entitled for anticipatory bail. In the result, all the petitions are dismissed.

sd/-
12/06/2015

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
2. THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +3. CCS to M/S.B.N.RAJAMOHAMED, Advocate SR.No. 30973 TO 30975

SR/PRV : 25.06.2015 : 3P/6C

ORDER
IN
CRL OP(MD) NoS.5133, 5423,
7309 & 6708 of 2015
Date :12/06/2015