



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

Thursday, the Eleventh day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6027 of 2015

1 J.B.GUHAN
2 V.K.VADIVEL KARUPPAIAH ... PETITIONERS/ACCUSED 1-2

Vs

1.THE SUPERINTENDENT OF POLICE
O/O.DISTRICT POLICE OFFICE, VIRUDHUNAGAR,
2.THE INSPECTOR OF POLICE
TIRUCHUZHI POLICE STATION, VIRUDHUNAGAR DISTRICT.
(CRIME NO.73 OF 2015) ... RESPONDENT/DE-JURE COMPLAINANT

For Petitioner : M/S.M.SENDHILKUMAR Advocate
For Respondent : Govt. Advocate (Crl. Side)

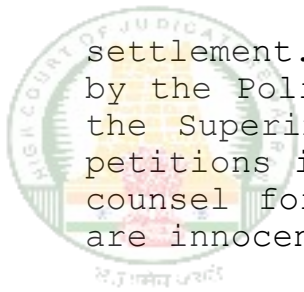
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A-2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 and 420 of I.P.C in Crime No.73 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the complainant, Masilamani, his father had entered into an agreement with the accused on 04.01.2014 to sell his 60 acres of land for a total sale consideration of Rs.3,30,00,000/- and the accused paid Rs.60,00,000/- towards advance amount and assured to pay the balance amount within a period of 7 months. However, the accused paid another Rs.50,00,000/- and got the sale deed executed in their names for 20 acres and for the balance amount, the accused had paid by way of cheques and the cheques were dishonoured and thereby cheated the defacto complainant.

3. The learned counsel for the petitioners submitted that on 04.01.2014, an unregistered sale agreement was entered into between the accused and the father of the defacto complainant to purchase the properties for sum of Rs.3,30,00,000/-. But the petitioners could pay only Rs.1,10,00,000/- for the land to the extent of 20 acres and they got a sale deed in their favour and for non-fulfilment of the contractual obligation, a civil dispute is given criminal colour to arm-twist the petitioners to come forward for



settlement. He further submitted that the petitioners were harassed by the Police and they were constrained to sent representations to the Superintendent of Police on 03.06.2014. They also filed the petitions in Crl.O.P.No.10116 of 2014 and 5457 of 2015. The learned counsel for the petitioners further submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. When this matter was listed on 09.06.2015, the learned Government Advocate (Crl.side) submitted that petition enquiry was conducted and closed and thereafter, a fresh complaint is given as against the petitioners. He opposed the application stating that the petitioners have not fulfilled their obligations under the agreement dated 04.01.2014.

5. Considering the facts, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aruppukkottai and on each 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 petitioners shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
11/06/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
 3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 4. THE SUPERINTENDENT OF POLICE
O/O.DISTRICT POLICE OFFICE, VIRUDHUNAGAR,
 5. THE INSPECTOR OF POLICE
TIRUCHUZHAI POLICE STATION, VIRUDHUNAGAR DISTRICT
- +One cc to M/s.M.SENDHIL KUMAR, Advocate, SR.No.30258
RL/7 C- 17/6/2015

ORDER
IN
CRL OP (MD) No.6027 of 2015
Date : 11/06/2015