



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

Thursday, the Thirtieth day of April Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.8437 of 2015

1 A.CHANDRAN
2 S.JEGATHAMMAL

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
AAVIYOR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR. NO. 70/2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PALANIVELAYUTHAM Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

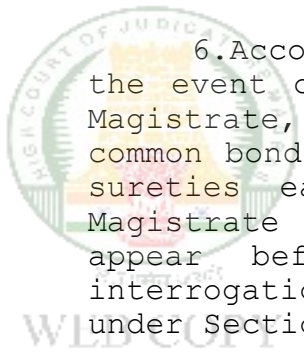
The petitioners apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 420 I.P.C. in Crime No.70 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant entered into a sale agreement with the petitioners herein for purchasing a property for valid sale consideration and a sum of Rs.10 lakhs was given as an advance. The allegations of the defacto complainant is that the petitioners did not disclose the earlier mortgage of the property and further they did not execute the sale deed.

3.The learned counsel for the petitioners submitted that the 2nd petitioner is the owner of the property and the defacto complainant has entered into an agreement to purchase the property for a total sale consideration of Rs.40 lakhs. Subsequently, he failed to pay the balance sale consideration nor approached the Civil Court for execution of sale deed. He has given this case by giving criminal colour to the civil dispute.

4.It is submitted by the learned Government Advocate (Crl.side) that the dispute between the parties is civil in nature.

5.Considering the submissions made by the learned Government Advocate (Crl.side) and also considering the fact that the dispute between the parties is civil in nature, 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, Virudhunagar District and on executing a common 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 as and when required for interrogation. 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/-
30/04/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE
AAVIYOOR POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No. 24577

SR/SJW : 11.05.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.8437 of 2015
Date :30/04/2015