



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

Wednesday, the First day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.9674 of 2015

A. SUBBURAJ

... PETITIONER/ ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
WEST POLICE STATION, KOVILPATTI,
TUTICORIN DISTRICT, IN
CRIME NO. 494 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VEILKANIRAJU Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

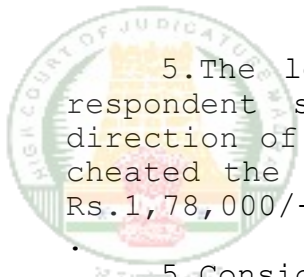
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 406 and 420 of IPC, in Crime No.494 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the de-facto complainant R.Chinnarani, the accused had agreed to sell a housing plot to an extent of 12 cents and received the entire sale consideration, but he sold the plot to an extent of 9-1/2 cents and agreed to pay the balance amount of Rs.1,78,000/- to the de-facto complainant and for that, the accused had also executed a promissory note, dated 24.07.2012, but he failed to pay that amount.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that this is a case of case and counter and the petitioner has lodged a complaint against the de-facto complainant and the same was registered in Crime No.495 of 2015 for the offences under sections 406 and 420 of IPC.

4.It is further submitted that the de-facto complainant had agreed to purchase plots Nos.30 and 31 to an extent of 8.74 cents for a total sale consideration of Rs.7,86,600/-, but she paid only Rs.3,80,000/- and agreed to pay the balance amount through one Muthiah and believing the words of the de-facto complainant, this petitioner had also executed a sale deed, however, eventually she failed to pay the balance amount. The learned counsel further submitted that only as a counter blast, the de-facto complainant has lodged this false complaint against the petitioner.



5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that both the cases were registered as per the direction of this Hon'ble court and as per the complaint, the accused have cheated the de-facto complainant by refusing to pay the balance amount of Rs.1,78,000/-.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Kovilpatti and on his 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 respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.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/-
01/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, KOVILPATTI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
WEST POLICE STATION, KOVILPATTI, TUTICORIN DISTRICT.

+1. CC to M/S.M.VEILKANIRAJU Advocate SR.No. 35352.

TS/07.07.2015/2P -6C

ORDER
IN
CRL OP(MD) No.9674 of 2015
Date :01/07/2015