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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.16408 of 2015

T. SELVARAJ ... PETITIONER / ACCUSED No.4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
CRIME.NO.32/2013 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.SENTHIL KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, 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 Accused No.4, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.32 of 2013, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that A.1 to A.3 are the sons of A.4 and A.1 to A.3 gave a power deed to A.4 in respect of the property in question. On 29.12.2010, on promise to execute a sale deed in respect of the property in question, the petitioner/A.4 received a sum of Rs.2,00,00,000/- from the de facto complainant as advance and subsequently he refused to register the sale deed and did not repay the advance amount given by the de facto complainant. They returned only a sum of Rs.1,00,00,000/- and the balance amount was not settled and they cheated the de facto complainant. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. The accused 1 to 3, who are the sons of the petitioner/A.4 executed a power of attorney deed in favour of the petitioner/A.4 to sell the property in question and based on the same, the petitioner entered into an agreement with the de facto complainant. The petitioner

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entered into another agreement with other persons and sold the property in question. The petitioner repaid only part of the amount.

4.The learned counsel for the petitioner submitted that there is a possibility of settlement and at the instigation of the learned counsel for the petitioner, the matter was referred to the Mediation and Conciliation Centre attached to this Bench and the petitioner did not settle the amount and seeks further time.

5.The learned Government Advocate (Criminal side) submitted that at the instigation of the learned counsel for the petitioner, the matter was referred to the Mediation and Conciliation Centre attached to this Bench and since the petitioner did not settle the amount, mediation could not succeed and the matter was referred back to the Court till today and investigation is pending.

6.Considering the facts and circumstances of the case and also considering the admission made by the learned counsel for the petitioner that the petitioner after entering into an agreement of sale with the de facto complainant, received advance amount and subsequently he sold the property in question to the third party and did not repay the entire amount, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-
09/08/2016

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

TO

1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.

2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16408 of 2015
Date :09/08/2016

SMA/ARK-PV/SAR-I/12/08/2016 :2P/3C

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