



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.20538 of 2015

1 M.SEKAR
2 N.JEYA
3 N.SEENIVASAN
4 N.BALAMURUGAN

..PETITIONERS/ACCUSED 1 TO 4

Vs.

STATE REP.BY
THE SUB INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 523 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.V.S.KARTHI ASSOCIATES,

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

For Intervenor : MR.K.P.NARAYANAKUMAR, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 420 of IPC and Section 4 of TNWH Act in Crime No.523 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners 2 to 4 sold the property in question to the defacto complainant for a total sale consideration of Rs.27,00,000/-. The first accused is a broker. The petitioners agreed to hand over the property within three months from the date of registration, thereafter they requested time and hence, the time was granted till 10.10.2015, but, they did not handover the possession on that day. When the defacto complainant went to the property in question some unknown persons were in occupation. When the same was questioned, the second petitioner



demanded the defacto complainant to pay another sum of Rs.10,00,000/- for handing over the vacant possession and abused him in filthy language.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the first petitioner is not a broker; he is working in Electricity Department. The second petitioner is mother of 3rd and 4th petitioners; the third petitioner is working as a Lecturer in Krishna Arts College at Krishnagiri and the fourth petitioner is a mentally retarded person. It was agreed to sell the property for a sum of Rs.27,00,000/- and the property was in the occupation of tenants. The defacto complainant agreed to pay Rs.10,00,000/- to return the advance paid by tenants. He failed to pay that amount. He purchased the property knowing fully well that the property is in occupation of the tenants. No such occurrence took place as alleged by the prosecution and the defacto complainant has given a false complaint

4. The learned Government Advocate (Crl. Side) filed a status report stating that during the investigation it was found that the first petitioner has no role in the occurrence and there is no specific overtact attributed against the first petitioner. The respondent police is filing separate petition to deal with the claim of the first petitioner in this Crime number before the concerned Court. After examining accused person and other witnesses it was found that after receiving the amount no vacant possession was handed over to the defacto complainant and they abused the defacto complainant in filthy language and the investigation is pending.

5. Considering the statement that third petitioner is working as Lecturer in Krishna Arts College at Krishnagiri and the fourth petitioner is a mentally retarded person, this Court is inclined to grant anticipatory bail to the petitioners 1,3 and 4. Accordingly, the petitioners 1, 3 and 4 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-VI, Madurai District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each

<https://hcservices.ecourts.gov.in/hcservices/> to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 1, 3 and 4



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.

6. In view of the serious allegations made against the second petitioner and the investigation is pending, the petition is dismissed as far as second petitioner is concerned.

7. The petitioners 1,3 and 4 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/-
27/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI DISTRICT.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE SUB INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI DISTRICT.

+1. CC to M/S.V.S.KARTHI ASSOCIATES, SR.No.4919

akm/04.02.2016/ 3p-6c/jgb/dp/SAR-I

ORDER
IN
CRL OP(MD) No.20538 of 2015
Date :27/01/2016