



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

Monday, the Twenty Fifth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.21424 and 21321 of 2015

S. PRAKASH

... PETITIONER / ACCUSED
in Crl.O.P.No.21424/2015

1.R.VINODH

2.P.DINESH

...PETITIONERS / ACCUSED No.NOT KNOWN
in Crl.O.P.No.21321/2015

Vs

THE INSPECTOR OF POLICE LAW AND ORDER,
CANTONMENT POLICE STATION,
TRICHY, TRICHY DISTRICT.
(IN CRIME NO.NOT KNOWN IN 2015)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S.AJMAL KHAN, Advocate in both petitions
For Respondent : Mr.A.P.BALASUBRAMANI, Government 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 accused in Crime No.241 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 442, 294(b), 506(i) and 420 of IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property in Block No.5, New Block No.5, T.S.No. 1/1 situated in old Collector Office Road, Trichy measuring 14,850 sq.ft. The defacto complainant entered into an agreement of sale for the total sale consideration of Rs.8,16,75,000/- with one M/s.Kalathy Agencies Private Limited represented by the first accused/the petitioner in Crl.O.P.(MD) No.21424 of 2015. The said agency paid Rs.2 crores as advance. The time for payment of balance amount to get the sale deed executed is three months. The petitioner in Crl.O.P.No.21424 of 2015 did not pay the balance amount and therefore, the defacto complainant cancelled the agreement of sale and returned the advance amount of Rs.2 crores given by the petitioner through Demand Draft dated 24.07.2014 drawn on HDFC Bank. All the accused came to the defacto complainant's house and threatened him with dire consequences. In order to escape from criminal liability, the petitioner in Crl.O.P.(MD) No.21424 of 2015 filed a suit for specific performance in O.S.NO.142 of 2015 on the file of III Additional District Judge, Trichirappalli. On defacto complainant's complaint, the case has been registered for the aforesaid offences.

3. The case of the petitioners is that the petitioner in Crl.O.P.(MD) No.21424 of 2015 entered into an agreement of sale with the defacto complainant and paid a sum of Rs. 2 crores as advance and subsequently, the defacto complainant did not execute the sale deed in



spite of repeated reminders and the first accused issued a notice and filed a suit in O.S.NO.142 of 2015 for specific performance. In order to escape from the civil liability, the defacto complainant has given a false complaint and the defacto complainant did not return the advance amount paid by the first accused.

4.The learned Government Advocate(Crl. Side) filed a counter affidavit. It is stated in the counter affidavit that the petitioners in Crl.O.P.(MD) No.21321 of 2015/Vinoth and Dinesh were examined on 03.12.2015. The petitioner in Crl.O.P.(MD)No.21424 of 2015 namely S.Prakash was examined on 04.12.2015 and investigation is pending.

5. Considering the facts that there were exchange of notices and a suit for specific performance was also filed by the first accused and the same is pending and the statement of the defacto complainant that he returned the Demand draft for Rs.2 Crores, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Trichy, and on their executing a separate 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 for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.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/-
25/01/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE-II, TRICHY

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
LAW AND ORDER,
CANTONMENT POLICE STATION, TRICHY,
TRICHY DISTRICT.

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

+2 CC to Mr.R.SUNDAR, Advocate, SR No.4460

ORDER IN
CRL OP(MD) No.21424 & 21321/2015
Date :25/01/2016