



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10996 of 2016

T. RAMA SETHU

... PETITIONER/ACCUSED

Vs

state rep.by
THE INSPECTOR OF POLICE
KOVLPATTI WEST POLICE STATION,
THUTHUKUDI DISTRICT,
CRIME NO. 240/16.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.ANSAR Advocate

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

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

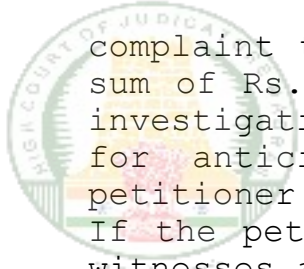
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) and 420 of IPC, in Crime No.240 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.1,75,00,000/-from the petitioner. As per the agreement, the property belonged to the defacto complainant was sold to S.M.Kannan and R.Kannan for a sum of Rs.3,54,19,500/-. After adjusting Rs.2,37,31,024/- being principal and interest payable by the defacto complainant to the petitioner, the petitioner did not pay balance amount of Rs.1,07,68,476/- and give 46 plots as per the agreement. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the defacto complainant did not borrow any amount from the petitioner. In real estate business transaction between the petitioner and the defacto complainant, after sale of the property, entire amount due to the defacto complainant was paid and no amount is due and payable to the defacto complainant. The petitioner is innocent and he has not committed any offence as alleged by the prosecution. Only to extract the money from the petitioner, the defacto complainant has given a false complaint against the petitioner.

4.The learned Government Advocate (Crl.side) submitted that on



complaint that the petitioner cheated the defacto complainant for a sum of Rs.1,07,68,476/- and 46 plots, case has been registered and investigation is in preliminary stage. This is fourth application for anticipatory bail. Earlier, three petitions filed by the petitioner were dismissed and there is no change of circumstances. If the petitioner is granted anticipatory bail, he will tamper the witnesses and hamper the investigation.

5.Considering the allegations made against the petitioner that after selling the property of the defacto complainant, the petitioner cheated the defacto complainant by not settling the amount due to the defacto complainant and did not give the plots as agreed upon and there is no change of circumstances from the date of dismissal on 20.06.2016, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this petition is dismissed.

sd/-
18/07/2016

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE, KOVLPATI WEST POLICE STATION,
THUTHUKUDI DISTRICT,
- 2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

AM

CSL/ARK-PV/SAR-II/25.07.2016 : 2P/3C

ORDER
IN
CRL OP(MD) No.10996 of 2016
Date :18/07/2016