



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11525 of 2016

1 VENMANI,
2 RAMESH RAJA @ RASTHA RAMESH
3 KAPIL DEV PANDIAN ... PETITIONERS/ACCUSED NO.1 TO 3

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION,
KARAIKUDI TALUK,
SIVAGANGAI DISTRICT.
CRIME NO.48/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S R.ALAGUMANI Advocate
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

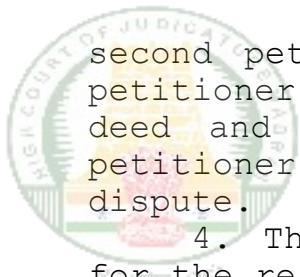
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the offence punishable under Section 420 IPC, in Crime No.48 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the accused 1 and 2 are the owners of the property situated in S.F.No.162/9 and they agreed to sell the same in favour of the *de-facto* complainant for a sum of Rs.27,00,000/- and after receiving an advance of amount of Rs.6,00,000/-, they executed a sale agreement with a condition to execute a sale deed within a period of three months after getting the balance amount. When the *de-facto* complainant is ready and willing to pay the balance of sale consideration, the accused Nos.1 and 2 did not come forward to execute the sale deed and they mortgaged the property to one Mayan Parimalam. When the same was questioned, the accused persons threatened the *de-facto* complainant with dire consequences. On complaint, a case has been registered for the above said offences.

3. The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution.

Further, the first petitioner did not receive any amount from the *de-facto* complainant. The second petitioner is the husband of the first petitioner and there is no specific allegation against the



second petitioner in the FIR. The allegation against the third petitioner is that he put his signature as witness in the mortgage deed and the alleged mortgage deed was executed by the first petitioner in favour of another person. It is purely a civil dispute.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that the accused, after entering into a sale agreement with the de-facto complainant and after getting advance amount, cheated the de-facto complainant. The learned Government Advocate (Criminal side) further submitted that this Court, by order dated 15.06.2016, dismissed the earlier petition, viz., Crl.O.P.(MD)No.8808 of 2016 filed by the petitioners. Investigation is going on and now, there is no change of circumstances.

5. Considering the facts and circumstances of the case and considering the serious nature of allegation levelled against the petitioners and also considering the fact that earlier petition in Crl.O.P.(MD) No.8808 of 2016 filed by the petitioners was dismissed by this Court, dated 15.06.2016 and now, there is no change of circumstances, this Court is not inclined to grant anticipatory bail to the petitioners and accordingly, this petition is dismissed.

sd/-

13/07/2016

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE, SOMANATHAPURAM POLICE STATION,
KARAIKUDI TALUK, SIVAGANGAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S R.ALAGUMANI Advocate SR.No.37110

SMN2

CSL/DB/SAR-III/18.07.2016 : 2P/4C

ORDER

IN

CRL OP(MD) No.11525 of 2016

Date :13/07/2016