



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12389 of 2016

1 PAULTHURAI
2 ARUNCHALAM
3 NAINAR

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION,
TENKASI TALUK,
TIRUNELVELI DISTRICT,
CR NO. 316 OF 2016.

... RESPONDENT/COMPLAINANT

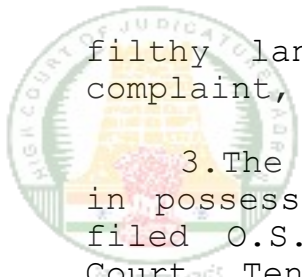
FOR PETITIONER : M/S T.INDRACHITHU, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 467, 468, 420, 294 (b) and 506(ii) of IPC, in Crime No.316 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are doing real estate business in partnership in Survey No.777/2B in Alangulam Taluk, Keelapavur Village. One John Masilamani filed O.S.No.555 of 2014 against A1 & A2 for injunction. The said suit is pending. The second petitioner sold the property in favour of third petitioner. Again the second petitioner suppressing the sale in favour of the third petitioner, sold the property to the defacto complainant assuring that there is no encumbrance and received a sum of Rs.1,90,000/- from the defacto complainant. When the defacto complainant went to the land for cultivation, he was informed about the suit filed by John Masilamani against the petitioners 1 & 2. When the defacto complainant questioned the same to the petitioners and demanded for return of money, the petitioners advised the defacto complainant to sell the property to third party and get money. When the defacto complainant asked the petitioners to take the property and return the money, the petitioners abused him with



filthy language and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the first petitioner was in possession and enjoyment of the property. The first petitioner filed O.S.No.111 of 2009 before the Additional District Munsif Court, Tenkasi. The said suit was dismissed for non-prosecution. While so, he sold the property to second petitioner and the second petitioner in-turn sold the property to third petitioner, who in-turn sold to the defacto complainant. The defacto complainant tried to sell the property to third party, he came to know the pendency of the suit in O.S.No.111 of 2009. The property was in possession and enjoyment of the first petitioner and therefore, he is taking steps to restore the suit, which was dismissed for non-prosecution.

4.The learned Government Advocate (Crl.side) submitted that the petitioners without having any valid title and suppression of the suit in O.S.No.555 of 2014 sold the property to the defacto complainant and cheated him.

5.Considering the serious nature of allegations made against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-
26/07/2016

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION,
TENKASI TALUK,
TIRUNELVELI DISTRICT,
2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S T.INDRACHITHU Advocate SR.No. 39472

ORDER
IN
CRL OP(MD) No.12389 of 2016
Date :26/07/2016

AM

TE/ARK-PV/SAR-III : 29/07/2016 : 2P/4C