



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

Tuesday, the Sixteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14088 of 2016

1 VASANTHA
2 VIDHYA
3 LAKSHMI VINOD
4 ANGURAJ
5 RAJA

... PETITIONERS/ACCUSED Nos.1 to 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.20 OF 2016)

... RESPONDENT/COMPLAINANT

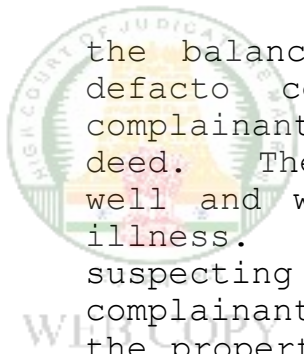
FOR PETITIONER : M/S MUTHUSAMUNDEESHWARAN, ADVOCATE
FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)
FOR INTERVENOR : M/S.C.BHARATHI, ADVOCATE

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 an alleged offence punishable under Sections 406,420,120(b) and 506(ii) of IPC in Crime No.20 of 2016, seek anticipatory bail.

2. The case of the prosecution is that the petitioners approached the defacto complainant to sell the property belonged to A1 for total sale consideration of Rs.10,00,000/-. The defacto complainant agreed to purchase the same and paid a sum of Rs.1,00,000/- on 10.01.2015 as advance. On 28.05.2015, the petitioner /A1 requested the defacto complainant to give a sum Rs.3,00,000/- to repay the loan taken for getting job for third petitioner. On 02.07.2015, received another sum of Rs.3,00,000/- for the hospital expenses of A4. Again on 04.01.2016, received a sum of Rs.2,86,000/- for family expenses of second petitioner. They executed the necessary receipts dated 04.01.2016 for the total amount of Rs.9,86,000/- received and they entered into agreement before the Notary Public and the defacto complainant agreed to pay



the balance amount and execute the sale deed in favour of the defacto complainant. Subsequently, on 20.01.2016 the defacto complainant paid balance sum of Rs.24,000/- and demanded for sale deed. The husband of the first petitioner informed that A4 is not well and will execute the sale deed after he recovered from his illness. Subsequently, they evaded execution of sale deed. On suspecting the attitude of the accused person, the defacto complainant obtained incumbrances certificate and it was found that the property is not belonged to the husband of the first petitioner and the same was sold on 26.06.2015 to one Parvathy. When the defacto complainant questioned the same, the petitioners threatened him with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent 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 petitioners 1 and 2 are the members of the Self Help Group presiding by the defacto complainant. The daughter of the defacto complainant took the signature of the petitioners 1 and 2 in bond paper promising to get loan in the Prime Minsiter's Loan Scheme for the petitioners. He further submitted that on 26.06.2015, 4th petitioner executed the sale deed in favour of petitioners 2 and 3 and the defacto complainant is one of the attesting witnesses to the said document. The defacto complainant's daughter on promising to get loan took the signature of the petitioners in blank paper and subsequently fabricated and harassing the petitioners and hence, they have filed a petition before this Court for not to harass the petitioners. Immediately, the respondent police registered the case with false allegation.

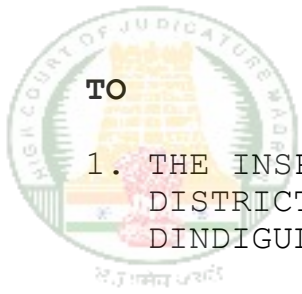
4. The learned counsel for the intervenor reiterated the averments made in the petition and submitted that after agreeing to execute the sale deed for the property in question, defacto complainant received a sum of Rs.9,86,000/- and sold the property to third party and when the defacto complainant demanded to repay the amount, the petitioners threatened the him with dire consequences.

5. Heard the learned Government Advocate (Crl. Side).

6. Considering the serious nature of allegations that after receiving the entire sale consideration A1 sold the property to one Parvathy and suppressing the fact that the property already sold to third party received balance amounts of sale consideration and cheated the defacto complainant, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the Criminal Original Petition is dismissed.

sd/-
16/08/2016

/ TRUE COPY /



TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.14088 of 2016

Date :16/08/2016

TRP

TE/SK-SKN/SAR-III : 09/09/2016 : 3P/3C