



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14126 of 2016

1 SUDALAIMUTHU THEVAR
2 SURESH

... PETITIONERS/A1 &A2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.125 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.SATHYA CHIDAMBARAM 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 and 2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465 and 467 IPC, in Crime No.125 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de facto complainant is the Manager of Ramarayar Annadha Choultry at Sundaraja Perumal Kovil Street, Veeravanallur. The first petitioner took the property belonging to the said Choultry comprised in Survey No.5 sitautes at Veetrinthankulam, for lease for a period of 99 years and paid a sum of Rs.1,00,000/- as advance to the de facto complainant. After six years, the first petitioner informed the de facto complainant that he was not interested in continuing the lease and he is not able to cultivate the same and demanded a sum of Rs.10,00,000/-. The de facto complainant also agreed for the same. On 06.11.2015, the de facto complainant gave a sum of Rs.93,000/- and another sum of Rs.2,00,000/- to the first petitioner. On 18.11.2015, the de facto complainant gave a sum of Rs.1,00,000/- to the first petitioner and the de facto complainant took the possession of the property in question. Subsequently, the first petitioner did not gave the lease agreement to the de facto complainant. On 07.01.2016, both the petitioners conspired together and the first petitioner sublet the said property to the second petitioner and cheated the de facto



complainant. 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. The first petitioner took the property in question for 99 years lease and paid a sum of Rs.1,00,000/-. He sublet the said property to the second petitioner and the same was approved by the Registrar's Office and the de facto complainant after knowing fully well that sublease is in favour of the second petitioner, has given a false complaint.

4.The learned Government Advocate (Criminal side) submitted that after getting refund of Rs.93,000/- and a sum of Rs.3,00,000/-, the first petitioner did not hand over the original lease agreement and sublet the property in question to the second petitioner and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the allegation that the first petitioner sublet the property in question to the second petitioner after getting Rs.93,000/- and also a sum of Rs.3,00,000/- and also considering the fact that the de facto complainant has taken possession of the property in question from the first petitioner, custodial interrogation of the petitioners is not required and therefore this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmahadevi, on condition that each of the petitioners shall execute a 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs.**



6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
09/08/2016

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/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.SATHYA CHIDAMBARAM Advocate SR.No.43062
SMN
CSL/NGM-MP/SAR-III/12.08.2016: 3P/6C

ORDER
IN
CRL OP (MD) No.14126 of 2016
Date :09/08/2016