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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14662 of 2016

ARUMUGAM ...PETITIONER/ACCUSED No.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
MADURAI DISTRICT.
CRIME NO.7 OF 2016 ...RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.JANSI RANI 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 No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 420, 506(i) and 294(b) IPC, in Crime No.7 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the property and A.3 who is the brother-in-law of A.1/the petitioner, approached the defacto complainant and stated that the petitioner is willing to sell the property. Subsequently, the defacto complainant agreed to purchase the property and paid a sum of Rs.15 lakhs to the petitioner/A.1 in the presence of A.2 and A.3 and entered into an agreement of sale in Document No.977/2013. The petitioner did not execute the sale deed and evaded. On enquiry, the defacto complainant came to know that there are various litigations pending in the Court and accused persons have created forged documents and tried to sell the property. When the same was questioned by the defacto complainant, the accused persons threatened him with dire consequences.

3.The case of the petitioner is that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and there is no transaction between the petitioner and defacto

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complainant and the defacto complainant is trying to give criminal colour to the civil dispute and A.3 was granted anticipatory bail by this Court in Crl.O.P(MD)No.8115 of 2016, dated 20.05.2016.

4.The learned Government Advocate (Criminal Side) submitted that suppressing the fact that various litigations are pending and by creating forged documents, the petitioner entered into a sale agreement and received a sum of Rs.15,00,000/- and subsequently, he did not execute the sale deed and evaded. On coming to know that various litigations are pending and when the defacto complainant demanded the amount, the petitioner did not return the amount and the investigation is pending.

5.Considering the allegation that the petitioner and other accused persons induced the defacto complainant to pay Rs.15 lakhs to the petitioner on promising to sell the property and subsequently, after receiving the amount, did not execute the sale deed and did not return the amount and the custodial interrogation of the petitioner is required, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

sd/-
30/08/2016

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

TO

1 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
MADURAI DISTRICT.

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

+1CC TO M/S.M.JANCI RANI, ADVOCATE SR.No.48547

ORDER
IN
CRL OP(MD) No.14662 of 2016
Date :30/08/2016

ps
SD/CK/SAR-III/06.09.2016/2P/4C

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