



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.15062 of 2016

KUMAR

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR. NO.329/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S G.MARIMUTHU Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

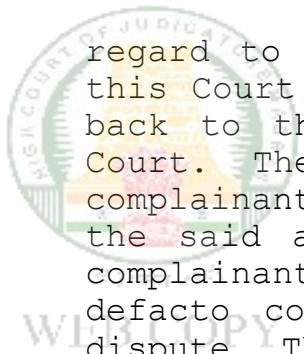
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 379, 506(i) IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.329 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner agreed to purchase the lands in Survey Nos.400/1, 400/2 and 400/3A of Thiruchuli Village to an extent of nine acres belonging to the defacto complainant for a total consideration of Rs,1,55,00,000/- and paid a sum of Rs.21,01,000/- as advance. Subsequently, the petitioner did not pay the balance sale consideration, inspite of the repeated demand and reminder. When the defacto complainant demanded the balance amount, the petitioner refused to pay the balance sale consideration. On 21.08.2015, when the defacto complainant visited the lands, the petitioner removed sand from the defacto complainant's land and adjacent Government land to the tune of Rs.5 crores and when the defacto complainant enquired about the same, he threatened him with dire consequences and to murder him. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that there is a civil dispute between the defacto complainant and one Nagalingam Pillai with



regard to the lands in question. The civil proceedings went upto this Court and in the Second Appeal, this Court remanded the matter back to the trial Court and the same was remanded to the trial Court. The trial Court rendered Judgment against the defacto complainant and aggrieved over the same, he preferred an appeal and the said appeal is pending. Suppressing these facts, the defacto complainant entered into agreement of sale with the petitioner. The defacto complainant trying to give criminal colour to the civil dispute. The petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) filed counter-affidavit and submitted that the petitioner illegally removed sand worth about Rs.5 crores and the investigation is pending and the petitioner is involved in the following five previous cases 1) Thiruchuli Police Station Crime No.159 of 2001 under Sections 341, 323 and 506(i) IPC, 2) Thiruchuli Police Station Crime No.208 of 2001 under Section 435 IPC, 3) Pandalkudi Police Station Crime No.38 of 2014 under Section 379 IPC r/w 21(i) Mines and Minerals Act, 4) Thiruchuli Police Station Crime No.123 of 2015 under Section 379 IPC 3(i) TNPPDL Act r/w 219i) Mines and Minerals Act and 5) Thiruchuli Police Station Crime No.139 of 2016 under Section 110(e) Cr.P.C.

5. Considering the serious nature of allegations made against the petitioner that the petitioner illegally removed the sand in the defacto complainant's land and Government land and the involvement of the petitioner in previous cases, 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

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S G.MARIMUTHU Advocate SR.No.48245

GJM/DB/SARIII-8.9.16-2P-4C

ORDER
IN
CRL OP(MD) No.15062 of 2016
Date :30/08/2016