



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

Wednesday, the Sixteenth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4547 of 2016

N. JAYA

... PETITIONER/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
NAGAMALAI PUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT,
CR NO.523 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.VEERANASAMY Advocate

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

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

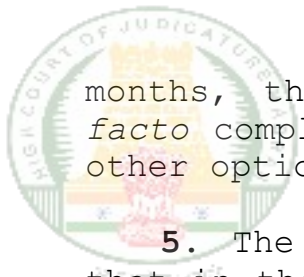
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 323, 420 I.P.C., and Section 4 of T.N.W.H.Act, in Crime No.523 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.S.Veeranasamy, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. This is the second application for anticipatory bail and the first anticipatory bail application, in Crl.O.P.(MD) No.20538 of 2015, was dismissed, as against the petitioner herein, by this Court, vide Order dated 27.01.2016.

4. It is the case of the *de facto* complainant that she has purchased the property, bearing Door No.3/127-NSB House, in Pooncholai Rice Mill Road, from the petitioner herein, under a Sale Deed, dated 09.02.2015 and registered as document No.364 of 2015. Though the petitioner totally received a sum of Rs.27,00,000/- towards sale consideration, registered the Sale Deed only for a sum of Rs.13,00,000/-. After the Sale Deed was registered, the petitioner requested the *de facto* complainant to permit him to stay in the said property for some more days and the *de facto* complainant had also accepted his request graciously. However, after several



months, the petitioner started demanding more money from the *de facto* complainant and therefore the *de facto* complainant, except no other option, has filed the present complaint of cheating.

5. The learned counsel appearing for the petitioner submitted that in the complaint lodged by the *de facto* complainant there is a reference to one Sekar, who was arrayed as first accused, whereas in the earlier anticipatory bail application, the Police filed a status report stating that the said Sekar had acted only as a broker and hence he would be considered only as a witness and not as an accused. Therefore, the learned counsel for the petitioner submitted that there is a falsity in the complaint lodged by the *de facto* complainant.

6. I am unable to persuade myself to agree with the submissions of the learned counsel for the petitioner for the simple reason that this aspect was already brought to the notice of this Court in the earlier Crl.O.P.(MD) No.20538 of 2015 and this Court, considering the same, dismissed the said criminal original petition as against the petitioner herein and granted anticipatory bail only for Sekar. However, the facts remain that the petitioner herein has executed a Sale Deed in favour of the *de facto* complainant, he is in illegal occupation of the *de facto* complainant's property and he is now demanding more money from her.

7. Taking into consideration the serious nature of allegations made against the petitioner, this Court is of the view that this is not a fit case to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition fails and it is dismissed.

sd/-
16/03/2016

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

TO

- 1 THE INSPECTOR OF POLICE
NAGAMALAI PUDHUKOTTAI POLICE STATION,
MADURAI DISTRICT
- 2 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.4547 of 2016
Date :16/03/2016