



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

Wednesday, the Twentieth day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.55 of 2016

BOMMUCHAMY

... PETITIONER/ SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KADAMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 146 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.A.THIRUVADI KUMAR 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 :-

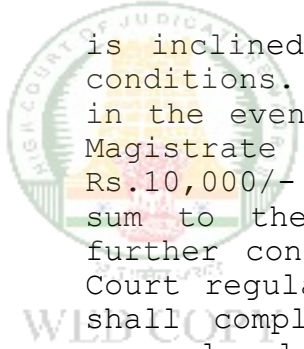
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 203, 406 and 506(ii) of IPC, in Crime No.146 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that one Subbulakshmi is the owner of the property in Survey No.235/1 and she received a sum of Rs.2,00,000/- from the defacto complainant and given the property as security and instructed the defacto complainant to sell the property and realise the amount. The defacto complainant entered into an agreement with the petitioner to sell the property for total sale consideration of Rs.2,60,000/- and received a sum of Rs.10,000/- as advance and he executed the sale deed on 03.09.2015 in favour of the petitioner and received a sum of Rs.2,25,000/-. Subsequently, the petitioner did not pay the balance sale consideration of Rs.25,000/-. Therefore, the case has been registered for the above said offences.

3.The case of the petitioner is that he is innocent person and he has not committed any offence as alleged by the prosecution. The original owner of the property is one Paramasivam Asari and the petitioner purchased the property from Paramasivam Asari and he is in possession and enjoyment of the property.

4.The learned Government Advocate (Crl.side) submitted that after investigation, charge sheet has been filed in C.C.No.30 of 2016 before the learned Judicial Magistrate No.II, Kovilpatti.

<https://hcservices.courts.gov.in/hcservices> the facts and circumstances of the case and also considering the fact that charge sheet has been filed in C.C.No.30 of 2016 before the learned Judicial Magistrate No.II, Kovilpatti, this Court



is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kovilpatti and on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the concerned Court regularly in all future hearing dates without fail. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

20/01/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KADAMBUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.THIRUVADI KUMAR Advocate SR.No.3181

ORDER
IN
CRL OP(MD) No.55 of 2016
Date :20/01/2016

am

NS/NGM-SS/SAR II/22.01.2016 : 2P/6C