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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.6430 of 2016 and CRL.M.P(MD)No.3381 of 2016

ILAYARAJA ... PETITIONER / ACCUSED No.3
P.PIDARAN ... PETITIONERE / INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 265/2016) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.SARAVANAN Advocate
For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)
For Intervenor : NO APPEARANCE

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.3, apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 468 and 471 IPC, in Crime No.265 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant entered into an agreement to sell with one Tamilaiya for a total sale consideration of Rs.25,00,000/- and paid a sum of Rs.5,00,000/- as advance and subsequently he paid the balance sum of Rs.20,00,000/-, by paying Rs.10,00,000/- each on two occasions. While so, the petitioner and other accused by misrepresentation took the agreement from the son of the de facto complainant. They approached the de facto complainant to purchase the said property. The de facto complainant agreed for the same and the petitioner paid a sum of Rs.1,00,000/- and gave a cheque for a sum of Rs.20,00,000/- and promised to pay Rs.4,00,000/- by cash. On presentation, the cheque was returned by the bank with an endorsement that 'drawee signature differs'. The petitioner and other accused also created a forged document as though they paid a sum of Rs.4,00,000/- to the de facto complainant. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The petitioner entered into an agreement to sell on 22.06.2012 with one Tamilaiya and paid the entire amount to him on various dates as per the agreement. The de facto complainant has given a false complaint in order to extract money from the petitioner. The de facto complainant is not at all the owner of the property. Therefore, there is no occasion to enter into an agreement to sell and pay the advance amount. The petitioner has no connection whatsoever with the de facto complainant.

4.The learned Government Advocate (Criminal side) filed a status report and also submitted that on preliminary investigation the respondent police came to know that the de facto complainant entered into an agreement with one Tamilaiya for purchasing a property belongs to him for a total sum of Rs.25,00,000/- and paid Rs.5,00,000/- as advance and due to non-availability of funds, he introduced the petitioner to Tamilaiya and requested him to sell the property to the petitioner or his men. Subsequently a dispute arose between the de facto complainant and the petitioner, on repayment of Rs.5,00,000/- which was given by the de facto complainant as advance to Tamilaiya. The petitioner produced a cash receipt for a sum of Rs.4,00,000/- to the respondent police stating that the de facto complainant received a sum of Rs.4,00,000/- from the petitioner. The de facto complainant refused that he received the amount from the petitioner and the signature found in the receipt is also a forged one. Investigation is in preliminary stage.

5.It is seen that the petitioner entered into an agreement with the de facto complainant to purchase a property for which the de facto complainant was an agreement holder from the original owner. The cheque given by the petitioner for a sum of Rs.20,00,000/- is alleged to be signed by one Soundarapandian. The said cheque was returned by the bank with an endorsement that signature of drawee is differ. The allegation made against the petitioner and other accused that they forged the signature of the de facto complainant and fabricated the receipt as though the de facto complainant has received the balance sum of Rs.4,00,000/- from the petitioner. Considering the above facts and also considering the serious nature of allegations levelled against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly this petition is dismissed.

sd/-
20/06/2016

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

TO
1 THE INSPECTOR OF POLICE
MELUR POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S D.SARAVANAN Advocate SR.No.31585

ORDER
IN
CRL OP(MD) No.6430 of 2016 &
CRL.M.P(MD)No.3381 of 2016
Date :20/06/2016

smn
SH/SKS-RR/SAR-I:30.06.2016:3P/4C