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

Wednesday, the Fourteenth day of September Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.7234 of 2016

SANTHANAM ... PETITIONER /SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT
CR.NO.114/2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.G.SHANKAR GANESH 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 :-

Orders Reserved on 02.09.2016

Orders Pronounced on 14.09.2016

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 IPC, in Crime No.114 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of 66-1/2 cents of land in Survey No.233/1B near Panchapandavar Hills. On 13.10.2000, the petitioner and the defacto complainant entered into an agreement of sale. The petitioner agreed to purchase the land for a sum of Rs.6,65,000/- and paid Rs.20,000/- as advance. Without paying the balance amount, the petitioner cheated the defacto complainant and sold the land to one P.R.Palanichamy. When the defacto complainant met the petitioner in this regard and questioned the same, he threatened the defacto complainant with dire consequences. On complaint case has been registered for the above said offences.

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3.The case of the petitioner is that the disputed land and other lands originally belonged to one Muthusamy. After his death, the petitioner purchased the land from his legal heirs by different sale deeds. The defacto complainant sold her share of 66-1/2 cents to the petitioner by the registered sale deed, dated 13.10.2000. The petitioner sold 5 acres 81 cents to one P.R.Palanisamy. The transaction had taken place during 2000 to 2002. The petitioner is noway connected with the case. There is no specific allegation against the petitioner in the F.I.R and he is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) appearing for the respondent filed counter-affidavit and submitted that the petitioner agreed to purchase the property of the defacto complainant for a total sale consideration of Rs.6,55,000/- and paid Rs.20,000/-. The defacto complainant executed a power of attorney appointing the petitioner as a power agent. As the petitioner did not pay the balance amount, the defacto complainant cancelled the power of attorney. Inspite of the same, the petitioner got the sale deed executed by the defacto complainant by deceiving the defacto complainant and got the sale deed executed. The learned Government Advocate (Criminal Side) further submitted that the petitioner by forging and concocting the documents sold the property to P.R.Palanichamy and number of similar complaints with regard to the land in that area has been received and on preliminary enquiry, it is found that the petitioner and others illegally mined in that area, contrary to Rules and caused huge loss of revenue to Government and investigation is pending. The petitioner is very influential person with money and muscle power. If the petitioner is released on bail, he will tamper with evidence and hamper the investigation. Report from Forensic Department is yet to be received.

5.Considered the rival submissions.

6.Considering the serious nature of allegations made against the petitioner and pendency of complaints with regard to the same offences and investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioner and accordingly, this Criminal Original Petition is dismissed.

sd/-
14/09/2016

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

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PS
TO

1 THE INSPECTOR OF POLICE, KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.

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

GJM/PV/SAR-I-19.9.16-3P-3C

ORDER
IN
CRL OP(MD) No.7234 of 2016
Date :14/09/2016

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