



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.7552 of 2016

1 V.DEVA & DEVEDHIRAN  
2 D.RATHIYA

... PETITIONERS / ACCUSED NO.1 & 2

Vs

V.SARAVANAN

... PETITIONER/DEFACTO COMPLAINANT  
INTERVENER

STATE THRO' INSPECTOR OF POLICE,  
ANTI LAND GRABBING CELL,  
DINDIGUL, DINDIGUL DISTRICT  
IN CRIME NO. 11 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.CHANDRASEKARAN Advocate

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

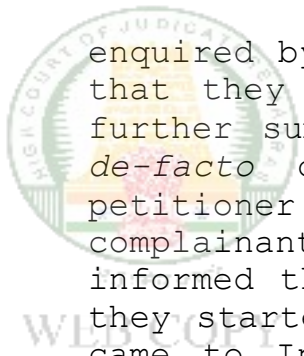
For Intervener : MR.R.VENKATESH, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 465, 468, 471 and 506(i) IPC, in Crime No.11 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant, who is working as a Marine Engineer in abroad purchased 14 acres 32 cents of land situated at Checkkapatti Village, Nilakkottai Taluk, Dindigul District, from his brother-in-law - Dhanaprakash, on 06.10.2010. On the same day, the *de-facto* complainant executed a General Power of Attorney appointing the first petitioner, who is his brother as his Power Agent in order to get mining licence. The petitioners obtained geological report from the Mines and Minerals Department that the mines worth about Rs.700 Crores is in the said land. The petitioners asked the *de-facto* complainant to send Rs.30,00,000/- for the expenses to get mining licence. The *de-facto* complainant gave Rs.30,00,000/-, which was earned by him in abroad to the first petitioner. When the same was



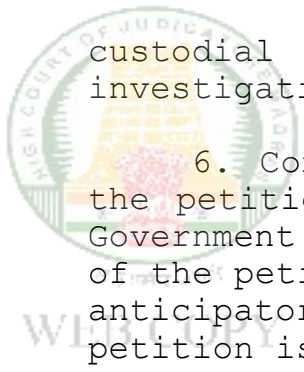
enquired by the *de-facto* complainant, both the petitioners informed that they will get the licence shortly and they have demanded a further sum of Rs.20,00,000/- from the *de-facto* complainant. The *de-facto* complainant gave another Rs.10,00,000/- to the first petitioner for obtaining mining licence. When the *de-facto* complainant again enquired about the mining licence, the petitioners informed that they will get the licence shortly and subsequently, they started to give evasive reply. When the *de-facto* complainant came to India, he has doubted the intention of the petitioners. Hence, he applied for Encumbrance Certificate and found that the first petitioner executed a sale deed in favour of his wife, the second petitioner herein on 30.03.2012 and on the same day, the second petitioner, who in-turn settled the property on the first petitioner and thereby, cheated the *de-facto* complainant. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioner is that the first petitioner is the brother of the *de-facto* complainant and the second petitioner is the wife of the first petitioner. After purchasing the property on 06.10.2016, the *de-facto* complainant with an intention to sell the property, appointed the first petitioner as his Power Agent and executed a General Power of Attorney on the same day. The first petitioner as a Power Agent, negotiated the sale of the lands with one K.Sureshkumar in the year 2011, but, the said transaction was not completed. Subsequently, the *de-facto* complainant negotiated to sell the property to the first petitioner for a sum of Rs.3,25,000/- in the presence of their parents. Accordingly, the first petitioner, who intended to purchase the property had executed a sale deed in favour of his wife, the second petitioner herein on 30.03.2012 and on the same day, the second petitioner had executed a Gift Settlement Deed in favour of the first petitioner in order to avoid excess stamp duty, since the guideline value of the property was to be manifolded from 01.04.2012 onwards. Thereafter, on 21.05.2012, the first petitioner has paid the entire sale consideration of Rs.3,20,000/- to the *de-facto* complainant. Pursuant to the sale and settlement deed, the patta had been changed in the name of the first petitioner and thereafter, the first petitioner had sold the entire lands to one Praveen Nayar, who is arrayed as A3, for a valuable consideration of Rs.7,02,000/- vide registered sale deed, dated 15.12.2014 and now, the said lands are in the custody of the said Praveen Nayar.

4. The learned counsel for the Intervenor reiterated the averments made in the complaint and submitted that the *de-facto* complainant never agreed to sell the properties to the petitioners and he did not receive any amount from the petitioners. He appointed the first petitioner as his Power Agent only for obtaining mining licence. The *de-facto* complainant paid Rs.40,00,000/- to the petitioners only for getting mining licence. He never intended to sell the property to the first petitioner or anybody else. The alleged receipt dated 21.05.2012 is not signed by the *de-facto* complainant or attested by their father.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The learned Government Advocate (Criminal side) submitted that since serious allegations are made against the petitioners,



custodial interrogation of the petitioners is necessary and the investigation is going on.

6. Considering the serious nature of allegations made against the petitioners and also considering the contention of the learned Government Advocate (Criminal side) that the custodial interrogation of the petitioners is necessary, this Court is not inclined to grant anticipatory bail to the petitioners. Hence, this criminal original petition is dismissed.

sd/-  
18/07/2016

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

TO

- 1 THE INSPECTOR OF POLICE, ANTI LAND GRABBING CELL,  
DINDIGUL, DINDIGUL DISTRICT.
- 2 THE ADDL.PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S S.CHANDRASEKARAN Advocate SR.No.37695  
+1CC TO MR.K.SIVABALAN, Advocate Sr.No.38093

GJM/ARK/PV/SAR-III-25.7.16-3P-5C

ORDER  
IN  
CRL OP(MD) No.7552 of 2016  
Date :18/07/2016