



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

Monday, the Fourth day of July Two Thousand Sixteen
PRESENT

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

CRL OP(MD) Nos.8822, 8823 and 8824 of 2016

1 N. NATHARSHA
2 AHAMED

... PETITIONERS/ACCUSED NOS.1&6 IN
CRL.OP (MD) NO.8822/2016

1.K.SETHURAMALINGAM
2.THIRUVENKADAM

... PETITIONERS/ACCUSED NOS.3&4 IN
CRL.OP (MD) NO.8823/2016

GANAPATHY SUNDARAM

... PETITIONER/ACCUSED NO.5 IN
CRL.OP (MD) NO.8824/2016

Vs

THE INSPECTOR OF POLICE
M.CHATHIRAPATTI POLICE STATION,
MADURAI,
(CRIME NO.23/2016)

...RESPONDENT/COMPLAINANT IN ALL THE PETITIONS

S.BUHARI

... INTERVENOR IN ALL THE PETITIONS

For Petitioner : M/S M.SARAVANA KUMAR, Advocate in all the
Petitions

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side) in all the
Petitions

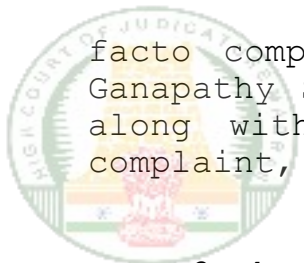
For Intervenor: M/S.K.MARIYAPPAN, Advocate in all the Petitions

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 3 to 6 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) and 120(b) IPC, in Crime No.23 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 and A.1 were jointly doing real estate business and on 27.03.2013, they jointly entered into a sale agreement with A.2 to A.4 with regard to purchase of 40 cents of land in Survey No.208/2 and 1 acre and 18 cents of land in Survey No.208/5 situate at Manjampatti Village and accordingly the de facto complainant paid a sum of Rs.60,00,000/- and A.1 paid a sum of Rs.1,17,00,000/- as advance respectively, to them and they agreed to pay the balance sum to the land owners within a period of six months and the land owners also agreed not to sell the land in question to others. Thereafter, on 02.09.2013, A.1 conspired with other accused and cheated the de



facto complainant and they sold the property in question to one Ganapathy Sundaram (A.5). When he demanded money through A.6, A.1 along with others, threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioners in CrI.O.P(MD)No.8822 of 2015 is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. A1 and the de facto complainant are having dispute with regard to their real estate business and money transactions. A.1 has given a complaint against the de facto complainant alleging that the de facto complainant and his henchmen were threatening him with deadly weapons and he did not return the empty cheque leaves given to him after receiving the entire amounts. A.1 was kidnapped by the de facto complainant and has taken his signatures in number of blank papers. On the complaint given by A.1, a case was registered and after investigation charge sheet has been filed and taken on file in P.R.C.No.121 of 2015 and the same is posted for trial. The de facto complainant has also filed CrI.O.P(MD)No.2695 of 2015 for anticipatory bail and this Court granted anticipatory bail to him, on his filing of an undertaking affidavit. After lapse of 3 years, the de facto complainant approached the respondent police with false set of facts, for the alleged incident tookplace in the year 2013. The first petitioner is doing real estate business and the second petitioner is working as a teacher in Government Secondary School.

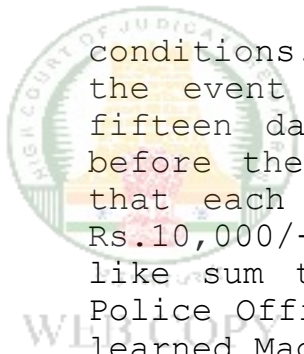
4.The case of the petitioners in CrI.O.P(MD)No.8823 of 2016 is that they are the absolute owners of the property in question and they are innocent persons and they have nothing to do with the alleged offence. Due to real estate business, the de facto complainant has given a false complaint against them and A.1.

5.The case of the petitioner is CrI.O.P(MD)No.8823 of 2016 is that he is the *bona fide* purchaser of the land in question from the original owners and he has nothing to do with the alleged offence.

6.The learned counsel for the intervenor has reiterated the averments made in the complaint and prayed for dismissal of all the petitions.

7.The learned Government Advocate (Criminal side) filed a counter affidavit and submitted that the earlier complaint given by the de facto complainant on 31.03.2016, after enquiry, was closed with an advice to the parties to work out their remedy before the Court of law and on 04.06.2016, the de facto complainant preferred another complaint before the Superintendent of Police and based on the same, this case has been registered and the copies of the sale agreement and the sale deed were received from the de facto complainant for enquiry and investigation is pending.

8.Considering the facts and circumstances of the case and also considering the fact that this is a case of case and case-in-counter and the alleged occurrence tookplace in the year 2013, this Court is inclined to grant anticipatory bail to the petitioners with certain



conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai on condition that each of the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 06.00 p.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

9.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
04/07/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.V, MADURAI
2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4.THE INSPECTOR OF POLICE
M. CHATHIRAPATTI POLICE STATION, MADURAI.
+1. CC to M/S M.SARAVANA KUMAR Advocate SR.No.34825
+One cc to Mr.K.R.Singaravadivel, Advocate, SR.No.34871
RL/7C/3P/ARK/PV/SARII/12/7/2016

ORDER
IN
CRL OP(MD) Nos.8822 to 8824
of 2016
Date :04/07/2016