



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

Wednesday, the Twentieth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17358 of 2017

A.C.GURUNATHA @ GURUNATHAN

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.643/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.VIVEK KUMAR, Advocate

For Respondent : M/S.A.ANBARASAN, Govt. Advocate (Crl. Side)

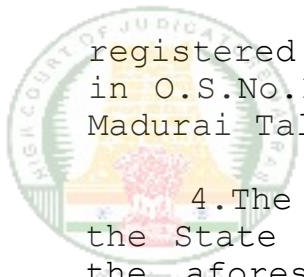
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 294(b), 323 and 506(ii) of IPC, in Crime No.643 of 2015, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused No.1, namely, Muthumari had received a sum of Rs.18,45,000/- (Rupees Eighteen Lakhs Forty Five Thousands only) from the defacto complainant for executing a sale deed in favour of Mayakrishnan, who is the husband of the defacto complainant . The entire sale consideration was paid to A1. But, the first accused neither executed a sale deed in favour of the defacto complainant's husband nor return the amount. Thereby, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioner/Accused No.2 submitted that the wife of the petitioner has borrowed some amount from the defacto complainant. Since the said amount was not repaid, the defacto complainant lodged a complaint before the respondent police. The marriage between the petitioner and the first accused has been declared as null and void vide order in H.M.O.P.No.720 of 2014, on the file of the Family Court, Madurai. He further submitted that the first accused after knowing that the defacto complainant had fabricated false records as if the first accused had executed an un-



registered sale agreement preferred a suit for permanent injunction in O.S.No.124 of 2015, on the file of the learned District Munsif, Madurai Taluk and obtained ex-parte order.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that in order to cheat the defacto complainant the aforesaid case was filed and also obtained ex-parte order against the petitioner, defacto complainant and one Mayakrishnan. He further submitted that Investigating is still pending.

5.Considering the above said submissions, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-
20/12/2017

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
KEERAITHURAI POLICE STATION,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17358 of 2017
Date :20/12/2017

MS/CM-VR/SAR.1/01.02.2018/2P.3C