



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

Thursday, the Fifteenth day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP (MD) No.2114 of 2017

1 J. SAROJA
2 EDWIN JOSE

... PETITIONERS/ACCUSED NO.1 & 3

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT,
CRIME NO.21/2016

... RESPONDENT/COMPLAINANT

SWAMY NATHAN

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

For Petitioner : M/S.J.JEYAKUMARAN Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

For Intervenor : M/S.J.ANANDKUMAR, Advocate

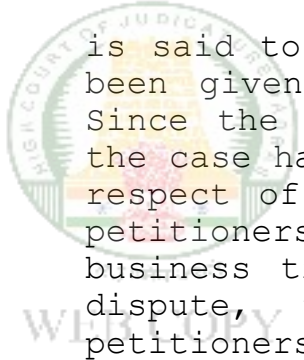
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 & A3 in Crime No.21 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent/State.

3.The learned counsel for the petitioners submitted that the petitioners along with the other accused are alleged to have received the sale consideration of Rs.81,88,000/- and cheated the defacto complainant by not executing sale deed and by not repaying the sale consideration. He would further submit that the first and second petitioners are mother and son respectively. The occurrence



is said to have been taken place on 03.11.2015. The complaint has been given only on 24.11.2016, I.e., after a lapse of one year. Since the defacto complainant's son is a Sub Inspector of Police, the case has been registered immediately. There was no agreement in respect of selling house and there was no transaction between the petitioners and the defacto complainant. Actually, there was a business transaction between the complainant and A4. Due to money dispute, the present false complaint has been lodged. The petitioners are innocent. They have not committed any offence as alleged in the complaint. They have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent / Police submitted that the investigation is pending.

5.The learned counsel appearing for the intervener/defacto complainant, by producing a Promissory deed executed by the 1st accused in favour of the complainant, submitted that the first petitioner/A1 has received a sum of Rs.8 lakhs as advance for selling her property and thereafter, cheated the defacto complainant.

6.This Court has perused the said promissory deed. The signature of the first petitioner/A1 found in the promissory deed and in the identity card at page 21 of the typed set of papers filed by her varies.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kuzhithurai and on each executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand automatically dismissed.

sd/-
15/06/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.J.JEYAKUMARAN Advocate SR.No.24348

+1. CC to M/S.J.ANANDKUMAR, Advocate SR.No.24454

CSL/PM-PN/SAR-I/20.06.2017 : 3P/7C

ORDER

IN

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Date :15/06/2017