



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.17406 of 2016

R.VALUKANTHA PERUMAL @ R.V.PERUMAL,

... PETITIONER / ACCUSED SOLE

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THOOTHUKUDI
IN CRIME NO.903/2016

... RESPONDENT / COMPLAINANT

G.P.JOE PRAKASH

...PETITIONER/INTERVENER

For Petitioner : M/S.D.SARAVANAN Advocate

For Respondent : MR.A.RAMAR ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.G.PRABHU RAJADURAI, Advocate

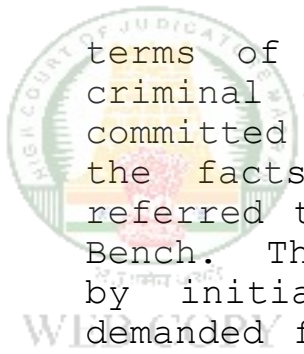
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused in Crime No.903 of 2016 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 420 IPC and hence, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner, learned counsel for the intervener/defacto complainant and the learned Additional Public Prosecutor for the respondent/State.

3.The learned counsel for the petitioner submitted that the petitioner is alleged to have received a sum of Rs.33 lakhs as advance to sell his property from the defacto complainant and cheated him by not repaying the said amount and sold the property to some other person. He would further submit that both the petitioner and the defacto complainant are friends. The defacto complainant has failed to pay the entire sale consideration for nearly two years and he has violated the



terms of the contract. The civil dispute has been given criminal colour. The petitioner is innocent. He has not committed any offence as alleged in the complaint. Considering the facts and circumstances of the case, this Court has referred the matter to the Mediation Centre, attached to this Bench. Though the petitioner was willing to settle the dispute by initially paying Rs.5 lakhs, the defacto complainant demanded full amount and hence, the mediation was failed. The petitioner is ready to co-operate with the enquiry. Thus, he prayed for anticipatory bail to the petitioner.

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

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Thoothukudi 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 depositing a sum of Rs.5,00,000/- (Rupees five lakhs only) to the credit of Crime No.903 of 2016 on the file of the Judicial Magistrate No.I, Thoothukudi and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner 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.

7.Considering the nature of the offence involved in this case, the respondent Police is directed to file charge sheet within a period of one month from the date of receipt of a copy of this order.

sd/-
15/06/2017

/ TRUE COPY /

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



GCG
TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE PRINCIPAL DISTRICT JUDGE, TUTICORIN
- 4 THE INSPECTOR OF POLICE
SOUTH POLICE STATION, THOOTHUKUDI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

GJM/PM/PN/SAR-2-20.6.17-3P-6C

ORDER
IN
CRL OP (MD) No.17406 of 2016
Date :15/06/2017