



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

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.19168,19947 & 20782 of 2016

VANNIYAPERUMAL

... PETITIONER/ ACCUSED NO.1
IN CRL OP(MD) No.19168 of 2016

ADINARAYANAN
V.SUDALAIKANNU

...PETITIONER/A4 & A6
IN CRL OP(MD) No.19947 of 2016

RAMAKRISHNAN

... PETITIONER/ ACCUSED NO.2
IN CRL OP(MD) No.20782 of 2016

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.160 OF 2016)

... RESPONDENT / COMPLAINANT
IN ALL THE PETITIONES

S.JEYARAMAN

...PETITIONER/INTERVENER/IN-DEFACTO COMPLAINANT
IN CRL MP(MD) NO. 11695 OF 2016
IN CRL OP(MD) NO.19168 OF 2016
IN CRL MP(MD) NO.2620 OF 2017
IN CRL OP(MD) 19947 OF 2016

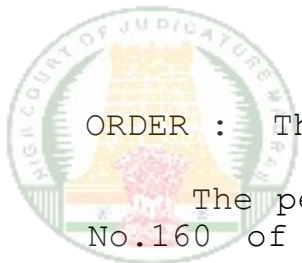
For Petitioner : M/S.R.PON KARTHIKEYAN Advocate
IN CRL OP(MD) No.19168 of 2016

For Petitioner : M/S.B.SANTHANAM RAJESHKUMAR Advocate
IN CRL OP(MD) No.19947 of 2016

For Petitioner : M/S.S.R.ANBARASU Advocate
IN CRL OP(MD) No.20782 of 2016

For Respondent : M/S S.PRABHA Govt. Advocate (Crl. Side)
IN ALL THE PETITIONES

FOR INTERVENER :H.ARUMUGAM, Advocate
IN CRL MP(MD) NO. 11695 OF 2016
IN CRL OP(MD) NO.19168 OF 2016
IN CRL MP(MD) NO.2620 OF 2017
IN CRL OP(MD) 19947 OF 2016



ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1, A2, A4 and A6 in Crime No.160 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 147, 406 and 420 IPC and hence, seek anticipatory bail.

2.Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) for the respondent/State and the learned counsel appearing for the intervener/defacto complainant.

3.The learned counsel for the petitioners submitted that A1 is the power agent of the defacto complainant. A3 is the brother of the defacto complainant. A2 is the relative of the defacto complainant and A3. A4 and A6 are subsequent purchasers. It is alleged in the complaint that the power agent / A1, colluding with other accused, did not pay the sale consideration to the defacto complainant, as per the agreement and also sold some properties in which the defacto complainant has no right. Due to family dispute, this false complaint has been lodged. The civil case has been given criminal colour. The petitioners are innocent and they have not committed any offence as alleged in the complaint.

4.The learned counsel appearing for the intervener/defacto complainant submitted that A1 cheated the petitioner by not settling sale consideration amount and also sold the properties in which the defacto complainant has no right. Thus, the accused have committed the offence of cheating, creating fraudulent documents, breach of trust etc. In fact, A1 gave an written undertaking that he would settle Rs.25 lakhs before March, 2016 or return the properties. But, he has failed to do so. When A1 himself admitted the offence by written undertaking, these petitions may be dismissed.

5.The learned Government Advocate appearing for the respondent / Police submitted that the petitioners are alleged to have cheated the defacto complainant and that the investigation is pending.

6.Considering the fact that the petitioners are either relatives or subsequent purchasers and the matter appears to be civil in nature, 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, Valliyoor 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 conditions 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.



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7.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 petitions for anticipatory bail stands dismissed.

sd/-
23/03/2017

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

TO

1.JUDICIAL MAGISTRATE, VALLIYOOR,

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,TIRUNELVELI DISTRICT

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

+1. CC to M/S.R.PON KARTHIKEYAN Advocate SR.No.16969
+2. CC to M/S.H.ARUMUGAM Advocate SR.No.17691 & 17692
+1. CC to M/S.B.SANTHANAM RAJESH Advocate SR.No.17702

ORDER IN
CRL OP(MD) No.19168,19947 &
20782 of 2016
Date :23/03/2017

MS/CM.MSA/SAR.4/27.03.2017/3P.9C