

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.16690 of 2018

AND CRL.MP.NO.8777 OF 2018

R.VEERARAGHAVAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-TEAM XXI
VEPERY CHENNAI
CR.NO.99 OF 2018.

[RESPONDENT]

For Petitioner : M/S.K.BALASUBRAMANIAM Advocate

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

For Intervener : MR.A.R.SAKTHIVEL Advocate

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

ORDER : The Court Made the following order :-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2 The petition for anticipatory bail in respect of the complaint alleged by P.Elavarasan against the petitioner herein for cheating him in respect of transaction connected with sale of a Flat.

3 The learned Additional Public Prosecutor would submit that based on the complaint given by P.Elavarasan, investigation is going on. On *prima-facie*, they have collected the information that the petitioner herein a building promoter entered into joint venture with land owners to promote 9 flats, in which, he had agreed to give 5 flats to the owner and retain 4 flats. But, while entering into agreement with third parties in respect of flats agreed to retain by the promoter, he has sold the portion, which is supposed to be allotted to the land owner. It is also brought to the notice of this Court that the de facto complainant Elavarasan has availed loan from Central Bank of India for purchasing one such flat and due to refusal of handing over the possession, he was not able to repay the dues, which has culminated to Debts Recovery Tribunal proceedings against him and the builder the petitioner herein.

4 The learned counsel appearing for the petitioner herein would submit that due to some typographical error, which has crept in between him and purchaser, confusion has occurred

and he is now ready and willing to settle the matter, if some time is granted. The said submission is strongly opposed by the learned Additional Public Prosecutor on the ground that it is not an innocent error in the sale agreement, it was a deliberate concealment of fact by the petitioner, which has mislead the purchaser and bank. Despite the order passed by DRT dated 05.04.2017 the bank is unable to take possession of the property due to fraudulent act of the petitioner herein.

5 The learned Additional Public Prosecutor would submit that the initial investigation reveals that there are other innocent gullible buyers cheated by the petitioner. Unless and until, the person is secured and document such as alleged power of attorney given to him by the land owner and other vital documents could not be recovered for the investigation. He also submits that with similar allegations, there are few more cases against this petitioner pending investigation.

6 Recording the same, this Court dismiss the anticipatory bail petition. Consequently, connected miscellaneous petition is also dismissed.

-sd/-

01/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-TEAM XXI
VEPERY CHENNAI

CC to M/S.K.BALASUBRAMANIAM Advocate on payment of necessary charges SR.NO.

+2 CC to M/S.A.R.SAKTHIVEL Advocate on payment of necessary charges SR.NO.14307

CRL OP.16690/2018

AND CRL.MP.NO.8777 OF 2018

Date :01/08/2018

PD 06/08/2018

<https://hcservices.ecourts.gov.in/hcservices/>