



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1296 of 2018

M.SAKTHIKUMAR

... PETITIONER /1st ACCUSED

Vs

STATE THROUGH REPRESENTED BY
THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
(CR.NO.148 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SARAVANAKUMAR Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

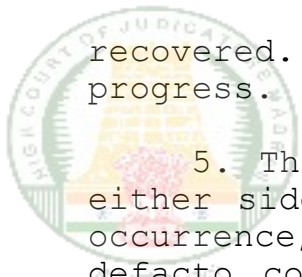
ORDER : The Court Made the following order :-

The petitioner/Accused No.1, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 420, 463, 464, 465 r/w. 120(b) of IPC., in Crime No.148 of 2014, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner entered into an agreement with the defacto complainant on 26.07.2012 to sell his house property situated at Rittanpatti to the tune of Rs.5,41,000/- and thereby received a sum of Rs.2,00,000/- as advance. Thereafter, at the time of filing Encumbrance Certificate, the defacto complainant came to know that the schedule mentioned property was allotted to the landless poor Adhidravidar Community people. Therefore, the defacto complainant requested the petitioner to refund the advance amount and the same was denied by the petitioner. Hence, the case has been registered against the petitioner for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case, hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the advance amount is not yet



recovered. According to the prosecution, the investigation is in progress.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner herein entered into an agreement with the defacto complainant by mentioning that the property pertaining to the agreement is his own property. Thereafter, the matter came to the knowledge of the defacto complainant that the property is actually allotted to the Adhidraavidar Welfare Community. So, after hiding that aspect, the petitioner entered into the agreement and received a sum of Rs.2,00,000/- from the defacto complainant. Hence, only with dishonest intention, the petitioner committed the offence. Further more, the advance amount of Rs.2,00,000/- is not yet recovered. So, considering the nature of offence committed by the petitioner, custodial interrogation of the petitioner is necessary for completing the investigation. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-

01/02/2018

/ TRUE COPY /

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

TO

1 THE INSPECTOR OF POLICE,
SRIVILLIPUTHUR TOWN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.SARAVANAKUMAR Advocate SR.No.45728

JAM/19/02/2018/PM-PN/ SAR 4/ 2p-4c

ORDER

IN

CRL OP(MD) No.1296 of 2018

Date :01/02/2018