



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

Monday, the Twelfth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2573 of 2018

K.CHELLAM

... PETITIONER/ACCUSED No.2

Vs

1 THE SUB-INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI DISTRICT
(CRIME NO.112 OF 2016)

...1st RESPONDENT/COMPLAINANT

2 P.S.GOVINDARAJ

...2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S.M.SOLAISAMY Advocate

For Respondent 1: MR.A.ROBINSON, Govt. Advocate (Crl. Side)

For Respondent 2: MR.S.BALAJI, Advocate for R2

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.112 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein and other accused are said to have received a sum of Rs.33,50,000/- from the defacto complainant for executing a sale deed and thereafter, they have failed to return the amount nor execute a sale deed. Thus, on complaint, a case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is pending.



5. The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, during the time of occurrence, in order to purchase the property, the petitioner herein introduced A1 to the defacto complainant. During the course of transaction, the defacto complainant paid a sum of Rs.33,50,000/- by way of advance. Subsequently, they have failed to execute a sale deed, thereby, in order to repay the amount, the other accused in this case issued four cheques in favour of the defacto complainant, which was returned as "un-paid". The petition filed by the petitioner and other accused in Crl.O.P(MD).Nos.9723 of 2016 was dismissed on 05.08.2016 only for the reason that they did not settle the dispute. Thereafter, they have filed another petition in Crl.O.P(MD).No.16161 of 2016 and the same was dismissed for non prosecution on 28.11.2017. Subsequently, they have not taken any steps for settling the dispute, filed the present petition. In such circumstances, this Court came to the conclusion that the custodial interrogation of the petitioner is very much necessary for completing the investigation. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
12/03/2018

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

TO

1 THE SUB-INSPECTOR OF POLICE
KADUPATTI POLICE STATION, MADURAI DISTRICT

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

+1. CC to M/S.S.BALAJI Advocate SR.No.4017

ORDER
IN
CRL OP(MD) No.2573 of 2018
Date :12/03/2018

SMA/RR-CSL/SAR-1/21.03.2018:2P/4c