



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

Tuesday, the Thirteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3605 of 2018

R.RATHINAKUMAR

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
KANYAKUMARI DISTRICT
(CRIME NO.08 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.J.SANKARA PANDIAN 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 :-

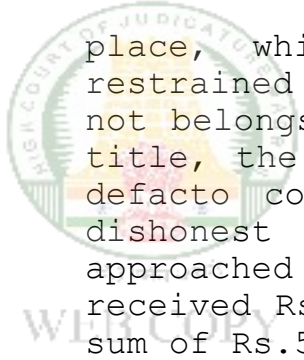
The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 I.P.C., in Crime No.08 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that after executing the sale deed, the petitioner and his wife had received a sum of Rs.55 lakhs from the defacto complainant. Thereafter, when the defacto complainant went to the place which was proposed to be purchased, some third party restrained the defacto complainant by mentioned that the land is not belongs to the petitioner herein. Hence, a case has been registered for the above said offences.

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

4.The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, after executing the sale agreement, the petitioner and his wife had received a sum of Rs.40 lakhs from the defacto complainant. Thereafter, when the defacto complainant went to the



place, which was proposed to be purchased, some third party restrained the defacto complainant by mentioning that the land is not belongs to the petitioner herein. Therefore, without having any title, the petitioner executed the sale agreement in favour of the defacto complainant, it shows that the petitioner is having the dishonest intention. Moreover, when the defacto complainant approached this petitioner for enquiring the dispute, he further received Rs.15 lakhs from the defacto complainant. Thereby, a total sum of Rs.55 lakhs have not repaid by this petitioner so far. So, in order to recover the said amount, custodial interrogation of the petitioner is necessary. Therefore, considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the Criminal Original Petition is dismissed.

sd/-

13/03/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
KANYAKUMARI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

MSA

JAM/23/03/2018/ CM-VR / SAR 2/2P-3C

ORDER

IN

CRL OP(MD) No.3605 of 2018

Date :13/03/2018