



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

Friday, the Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.18067 of 2017

1 K.SOUNDARRAJAN
2 SUNDARAMOORTHY @ SUNDARASAMY ... PETITIONERS / ACCUSED Nos.1 & 3

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
C.C.B. CANTONMENT, TRICHY.
(CRIME NO.49 OF 2017) ... 1st RESPONDENT / COMPLAINANT
2 POOMALAI ... 2nd RESPONDENT /DE-FACTO COMPLAINANT

For Petitioners : Mr.A.HAJA MOHIDEEN Advocate

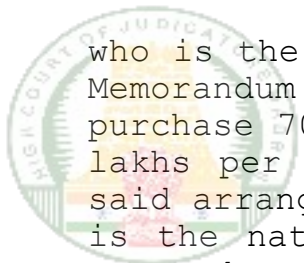
For Respondent 1 : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)
R 2: Mr.S.KARTHICK SUBRAMANIAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 406, 419, 465, 468, 471 and 420 IPC, in Crime No.49 of 2017 and hence, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant as the Power Agent of one Somasundaram entered into a Memorandum of Understanding on 26.02.2016 with the first accused to purchase 70 acres of land in Panjapur, Trichy, at the rate of Rs.17 lakhs per acre. Thereafter, with the help of the fifth accused, 4 sale deeds were registered on 07.04.2016 in respect of 2 ½ acres and 6 sale deeds were registered on 04.05.2016 in respect of 2 acres and 62 cents. While making mutations of revenue records, it was found that Accused Nos.1 and 5 to 26 fabricated the records. Thereafter, the first accused undertook to settle the matter by creating charge over his own property and the same was not done. Hence, the present complaint has been filed for the offences stated above.

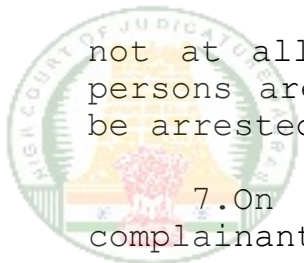


who is the owner of Amman Steels Private Ltd. and he entered into a Memorandum of Understanding with the first accused on 26.02.2016 to purchase 70 acres of land in Panjapur, Trichy, at the rate of Rs.17 lakhs per acre and paid an advance of Rs.10 lakhs. Based on the said arrangement, the first accused contacted the fifth accused, who is the native of Panjapur. Thereafter, the fifth accused brought Accused Nos.6 to 26 with relevant records for their properties and on perusal of the entire records, they have satisfied with the title and called the first accused to prepare the sale deeds and send the vendors to them. Subsequently, the first accused sent the vendors along with the fifth accused to meet the de-facto complainant and his counsel. Based on their consent, the first accused with the help of document writer executed the sale deeds in favour of the wife of said Somasundaram. He further submitted that subsequently, several persons in order to get money behind the back of the truth, approached the first accused that they are also so called owners of the property, against which, the de-facto complainant has filed civil suits against those persons. He also submitted that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that the de-facto complainant as the Power Agent of one Somasundaram, entered into Memorandum of Understanding on 26.02.2016 with the first accused to purchase 70 acres of land in Panjapur, Trichy, at the rate of Rs.17 lakhs per acre. While making mutation of revenue records, it was found that Accused Nos.1 and 5 to 26 fabricated the records. Thereafter, the first accused undertook to settle the matter by creating charge over his own property and the same was not done. He further submitted that the investigation is in progress and therefore, he prayed for dismissal of the Criminal Original Petition.

5.The learned counsel for the second respondent/de-facto complainant reiterated the averments made in the complaint and prayed for dismissal of the Criminal Original Petition.

6.The first petitioner herein, who is arrayed as first accused is the resident of Navalpattu, Anna Nagar, Trichirappalli District. The second petitioner, who is arrayed as third accused also residing in the same area. It is alleged that during the time of occurrence, the de-facto complainant as power agent of Somasundaram wanted to purchase 70 Acres of land in Panjapur, Trichy, for construction of one Solar Power Project and the petitioners herein received a sum of Rs.73,79,000/- from the de-facto complainant in order to make arrangements for purchasing the property as requested by him. After raising objections by the local people, it was came to light that the accused have prepared duplicate copies of Aadhaar Card, Voter I.D., Ration Card, Birth Certificate, Death Certificate, Legal Heirship Certificate and other documents, within an intention to cheat the de-facto complainant. Only because of that reason, the alleged complaint was lodged by the de-facto complainant. As of now, the amount, which was entrusted to the petitioners herein are



not at all recovered. Apart from that, in this case, nearly 50 persons are added as accused, in which, maximum accused are yet to be arrested.

7. On going through the complaint given by the de-facto complainant, the petitioners herein only approached him and gave an assurance to purchase the land for Power Project. Considering the direct involvement of the petitioners, their custodial interrogation is necessary for completing investigation in this case. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.

Accordingly, this Criminal Original Petition is dismissed.

sd/-

02/02/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
C.C.B. CANTONMENT, TRICHY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.A.HAJA MOHIDEEN Advocate SR.No.1859

smn2

JAM/06/02/2018/PM-PN/ SAR 1 /3p-4c

ORDER

IN

CRL OP(MD) No.18067 of 2017

Date :02/02/2018