



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

Friday, the First day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD) No.8889 of 2018

PELIN DEVARAJ

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.
(CR.NO.3/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.GANDHI, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 382, 384, 406, 420, 465, 468 and 506(ii) IPC, in connection with a case in Crime No.3 of 2018 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had given false representation on the de-facto complainant in order to grab the property and A1 directed him to execute a general power of attorney in favour of the petitioner/A3 in respect of the property and on 12.04.2017, the de-facto complainant executed a power of attorney deed in favour of the petitioner/A3 and thereafter, on 28.06.2017, the petitioner/A3 said to have sold the property to one Manjarisha/A5 and subsequently on 12.07.2017, the petitioner/A3 executed a sale deed in favour of A1 without the knowledge of the de-facto complainant and thereby cheated the de-facto complainant.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the State and perused the materials available on record.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.



5. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

6. It is admitted by the de-facto complainant that he executed a power of attorney in favour of the petitioner/A3. The dispute is civil in nature. Further, this case is entirely based on the documentary evidence. The petitioner stated that on the basis of the power deed, he executed a sale deed and sale considerations were also received by the de-facto complainant. Hence, this court is of the considered view that the remedy open to the de-facto complainant is to approach the civil court for the transactions made by the accused and whether the transactions made between the parties are genuine or not, has to be decided only after full fledged trial by the civil court. Under these circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m and 05.00 pm, until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

01/06/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.GANDHI, Advocate SR.No.9323

ORDER IN

CRL OP(MD) No.8889 of 2018

Date : 01/06/2018