



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

Friday, the Twenty Eighth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16195 of 2018

1 A.S.PHILIP SYDNEY
2 P.THANGAM SYDNEY
3 G.SELVIN RAJ

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

1 STATE REP. BY
THE INSPECTOR OF POLICE,
S.S. COLONY POLICE STATION,
MADURAI DISTRICT.
(IN CR NO. 554 OF 2018)

... RESPONDENT / COMPLAINANT

**(*)R2 F.PETRIC
S/O.FRANCIS,
ESWAR NAGAR,
CHELLIPALAYAM ROAD,
POTHANOOR, COIAMBATORE.**

... RESPONDENT

**(*)R2 IMPEADED AS PER ORDER OF THIS
HON'BLE COURT MADE IN CRL.MP(MD) .
NO.7739/18 IN CRL OP(MD) .NO.16195/18
DATED 28.09.2018.**

For Petitioners : M/S.T.THIRUMURUGAN Advocate

For Respondent 1 : MR.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 417, 420 and 506(i) I.P.C in Crime No.554 of 2018, seek anticipatory bail.

2. The Case of the prosecution is that the first petitioner received a sum of Rs.13,50,000/- from the defacto complainant in order to start a real estate business. For that the first petitioner



showed a land and promised to execute a sale deed in favour of the defacto complainant's father. Ultimately, he has failed to execute the sale deed. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents. They did not commit any offence as alleged by the prosecution. He further submitted that the third petitioner had received a sum of Rs.5,00,000/- as advance from the defacto complainant's father. But, the defacto complainant's father has not turned up to execute the sale deed by way of paying the balance amount. Though the third petitioner sent a legal notice on 17.08.2012 and 25.09.2012, the said sale agreement was cancelled and terminated that the defacto complainant's father was died on 19.05.2016. Now, after the demise of his father, his son lodged a criminal complaint in civil dispute without having any locus standi. Hence, he prays for anticipatory bail to the petitioners.

4. Heard the learned counsel appearing for the intervener.

5. The learned Government Advocate (Crl.Side) submitted that the investigation is pending.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.V, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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 shall stand dismissed.

sd/-

28/09/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 TO THE CHIEF
JUDICIAL MAGISTRATE, MADURAI.



3 THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION, MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.THIRUMURUGAN Advocate SR.No.18540

ORDER
IN
CRL OP (MD) No.16195 of 2018
Date :28/09/2018

JM/PN/SAR 2/11.10.2018/3P/6C