



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

Monday, the First day of October Two Thousand and Eighteen

PRESENT

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

CRL OP(MD) No.16271 of 2018

1.MARIYAPPAN
2.RAJESWARI
3.KANTHIMATHI

... PETITIONERS/ ACCUSED NO.2,5 & 6

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.412/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.KA.RAAMA KRISHNAN, Advocate.

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioners/A2, A5 & A6 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 506(ii), 406, 468, 471 and 420 of IPC, in Crime No.412 of 2018, seek anticipatory bail.

2.The case of the prosecution is that that one Kasi Viswanathan/defacto complainant lodged a complaint before the respondent police alleging that he entered into a sale agreement with one Balamurugan and the sale consideration was fixed at Rs.45,00,000/- (Rupees Forty Five Lakhs). Further he alleged that a sum of Rs.5,00,000/- was paid as sale consideration by the said Kasi Viswanathan to the said Balamurugan, his father namely Mariappan and mother Rajammal. Originally the land belonged to Rajammal, who executed a gift deed in favour of Balamurugan and subsequently on 09.10.2013, a further sum of Rs.4,00,000/- was also paid by him to the said Balamurugan, his father and mother and after receiving the said amount, Balamurugan has executed a power deed in favour of one Palvannan. The original sale document in the name of Rajammal was misplaced, for which, a complaint was also given before the Sub Inspector of Police, Vadapagam Police Station, Thoothukudi District and after enquiry, the police gave a certificate stating that the said document was not traceable and based on the words of the Rajammal and his son Balamurugan, he paid the above said amount.



While the said Palavannan was trying to sell the said property in favour of third parties, the defacto complainant came to know that there are 4 plots having an extent of 20 cents registered in the year 1985, which fact was suppressed by the said Rajammal and after knowing the same the defacto complainant approached the accused persons and at that time they have abused him and also threatened with dire consequences.

3.The counsel for the petitioner would submit that they are nothing to do with the present crime. They received a sum of Rs.45,00,000/- and thereafter they executed a power of attorney in favour of one Palvannan in respect of the property in dispute. Therefore, they are innocent and nothing to do with the present crime.

4.The learned Additional Public Prosecutor contended that all the petitioners conspired together and received a sum of Rs.45,00,000/- from the defacto complainant. In the year 1985 itself, the said property in question was sold out by A1 to A3 and thereafter for the same property, A1 to A3 were received a sum of Rs.45,00,000/- and also executed a power of Attorney in favour of Palvannan. Therefore, all the accused persons cheated the defacto complainant to the tune of Rs.45,00,000/-.

5.The petitioners in this Criminal Original Petition are directly involved in this crime and there is specific forms and allegations as against them. Therefore, this Court is not inclined grant anticipatory bail to the petitioners .

6.Accordingly, this Criminal original petition stands dismissed.

sd/-
01/10/2018

/ TRUE COPY /

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

TO

1.THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.16271 of 2018
Date :01/10/2018