



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

Monday, the First day of October Two Thousand and Eighteen

WEB COPY

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

CRL OP(MD) No.16540 of 2018

PONMURUGAN

... PETITIONER / ACCUSED NO.7

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.RAJIV RUFUS, 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 petitioner/A7 apprehends 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, seeks 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 learned counsel for the petitioner would submit that there is no specific allegation against the petitioner. According to the case of the complainant in the earlier, the petitioner stood as a witness to the settlement deed executed by the first accused in favour of the third accused in respect of the same property. Except this allegation, he never involved in the present crime as alleged by the defacto complainant.

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. As far as the petitioner in CrI.O.P.(MD).No.16540 of 2018 is concerned the petitioner/A7 was the witness to the settlement deed executed by the A1 in favour of A3. Therefore, there is no specific allegation as against the petitioner/A7, in this transaction.

6. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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.III, Thoothukudi and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. 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 shall stand dismissed.

sd/-
01/10/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1. CC to M/S.V.RAJIV RUFUS Advocate SR.No.18639.

ORDER

IN

CRL OP(MD) No.16540 of 2018

Date :01/10/2018

RAM/JC/SAR 1/05.10.2018/3P/6C