



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.654 of 2019

and

CRL MP (MD) .NO.820 of 2019

1 ARUMUGANAINAR

2 SUDALAIMANI

3 JEYARAMAN

4 PARAMASIVAN

... PETITIONERS / ACCUSED NOS.3,4,8,9

Vs

THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.97/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.ARAVINTHAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

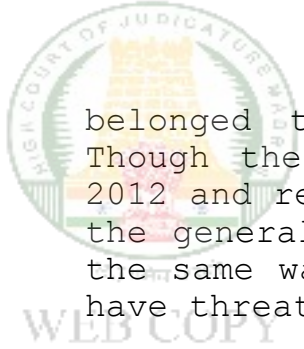
For Intervenor : Mr.L.SIVA, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 506(ii) and 420 I.P.C. in Cr.No.97 of 2017 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the A1 is the owner of the property and the petitioners are the legal heirs of A1. Initially on behalf of the temple, the defacto complainant collected money from the village people for purchasing property, which is



belonged to A1, in favour of the Arulmigu Bathriamman Temple. Though the petitioners entered into a sale agreement in the year 2012 and received a sum of Rs.4,00,000/- (Rupees Four Lakhs only) of the general public money, they did not execute the document. When the same was questioned by the defacto complainant, the petitioners have threatened him. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that with regard to this property, the defacto complainant filed a suit in O.S.No.44 of 2007 on the file of the learned District Munsif, Sathankulam seeking for a relief of declaration and recovery of possession and the same was dismissed by the trial Court on 20.01.2010. Thereafter, the defacto complainant filed an appeal in A.S.No.32 of 2011 on the file of the learned Additional District Judge, Thoothukudi and in the said proceedings, the parties were arrived at compromise and entered into a sale agreement on 18.07.2012. However, the amount allegedly in the sale agreement was not received by the petitioners, for which, they have not executed the sale deed.

4. The learned Government Advocate (Crl.side), on instructions, would submit that though the petitioners received a sum of Rs.4,00,000/- (Rupees Four Lakhs only) from the temple authorities, they did not execute the sale agreement. However, in order to cheat the temple authorities and village people, they executed a sale deed in favour of one Mariappan.

5. Considering the facts and circumstances of the case and also considering the serious overt act against the petitioners, this Court is not inclined to grant bail to the petitioners. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

sd/-
13/02/2019

/ TRUE COPY /

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

TO

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



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

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AE/JC/SAR-III/21.02.2019/3P/3C

ORDER

IN

CRL OP (MD) No.654 of 2019
and

CRL MP (MD) .NO.820 of 2019
Date :13/02/2019