

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Seventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2357 of 2020

S.SUNDER MURUGESH

[ PETITIONER / ACCUSED ]

Vs

STATE OF TAMILNADU REP.BY  
INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
COIMBATORE.  
CR.NO.56 OF 2019.

[ RESPONDENT ]

For Petitioner : M/S. R.AMARDEEP Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 120 B, 170, 406, 468, 471, 419 and 420 of IPC in Crime No.56 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property and intended to sell the property, which is under mortgage and hence, he approached the petitioner herein who is a real estate businessman through one land broker and he accepted to sell the same and played a fraud with some other accused and obtained a Power of Attorney to sell the said property and sold the said property without the knowledge of the defacto complainant which was worth about Re.1 crore and handed over only a meager amount. Hence the complaint.

3.The learned counsel for the petitioner would submit the petitioner has not committed any offence as alleged by the prosecution. He would submit that the entire amount was paid and the defacto complainant also issued a receipt on 25.12.2018. However, the sale deed executed on 17.12.2018 itself. Accordingly, he prays for grant of anticipatory bail.

4.The Additional Public Prosecutor appearing for State would submit that though subsequently the receipt was given prior to the sale deed however in the present case the sale deed was executed in favour of A6 on 17.12.2018. However, the receipt was produced on 25.12.2018 and in fact the defacto complainant is the owner of the property and he was paid only a meager amount and thereby, he was cheated by the accused. Hence, he vehemently opposed for grant of bail to the petitioner/A4.

5.Considering the facts and circumstances of the case, this Court is of the view that the investigation is pending and if this Court grants Anticipatory Bail, it will adversely affect the investigation progress. Hence, I am not inclined to grant anticipatory bail to the petitioner. Accordingly this Criminal Original Petition is dismissed.

-sd/-  
07/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
COIMBATORE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S. R.AMARDEEP Advocate on payment of necessary charges

WEB COPY

CRL OP.2357/2020

Date :07/02/2020

cs 14/02/2020