

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of December Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NO.5401 OF 2020

& CRL.MP.NO.3859 OF 2020

SUNDAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT.
CRIME NO.272 OF 2019.

R.THANGAVEL

[PETITIONER / INTERVENOR /
DEFACTO COMPLAINANT]

[Ordered as per order of this Court dated 11/12/2020 made in
CRL.MP.NO.3859 OF 2020 IN CRL.OP.NO.5401 OF 2020]

For Petitioner : M/S.S.SHANKAR Advocate

For Respondent : MR. R.ANEESAN, Govt. Advocate (Crl. Side)

For Intervenor : M/S.E.P.SENNIYANGIRI Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120 (b), 406 and 420 of I.P.C. in Cr.No.272 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the petitioner's wife namely, Banumathi are alleged to have received a sum of nearly Rs.5 Crores from the defacto complainant assuring that the petitioner will sell the property, mortgaged with the defacto complainant, to the defacto complainant and also entrust the possession of the property to him. However, the petitioner neither returned the amount nor executed the sale deed and instead tried to alienate the property.

3.The learned counsel appearing for the petitioner submitted that it is purely a civil contract. However, the defacto complainant has lodged a false complaint. He would further submit that earlier the petitioner filed Crl.O.P.No.9404 of 2019 before this Court and the said petition was dismissed as withdrawn on 22.01.2020.

4.The learned counsel appearing for the intervenor/ defacto complainant submitted that the petitioner informed the defacto complainant that he would like to convert the family properties allotted to him as house sites and sell the same to prospective buyers. Accordingly, the petitioner and his wife mortgaged the property with the defacto complainant and received a sum of nearly Rs.5 Crores assuring that they would return the amount received from the defacto complainant or would execute sale deed, however, they neither returned the amount nor executed the sale deed. He would further submit that if the petitioner is granted anticipatory bail, he would tamper the witnesses and would create bogus documents.

5.The learned Government Advocate submitted that investigation is still pending and vehemently opposed for grant of anticipatory bail to the petitioner.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Considering the huge amount involved in the transaction and no change of circumstances arise for considering anticipatory bail, this Court is not inclined to grant anticipatory bail to the petitioner. The criminal original petition is accordingly dismissed.

-sd/-
11/12/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

2 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT.

+1CC to M/S.S.SHANKAR Advocate on payment of necessary
charges SR NO.8151

+2CC to M/S.E.P.SENNIYANGIRI Advocate on payment of necessary
charges SR NO.8163

CRL.OP.NO.5401/2020
& CRL.MP.NO.3859/2020

Date :11/12/2020

MK:17/12/2020