

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13348 of 2020

R.Appusamy

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Central Crime Branch,
Tiruppur, Tiruppur District.
(Crime No.5 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.5 of 2020, on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.5 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Ponnulingam is that he had purchased the property comprised in Survey No.127/1 measuring to an extent of 21 cents situated at V.K.Nagar, Avarakadu from the accused for a valid sale consideration. Only after purchase, the defacto complainant have received the Court summons regarding attachment of the said property by Jurisdictional Civil Court and thereafter, the defacto complainant came to know that the petitioner/accused knowing fully well that the property was attached by a Court decree. Suppressing the factum of attachment and cheated the defacto complainant and sold the property to him.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the defacto complainant was well aware of the attachment and he took the risk of buying the property.

4.The learned Additional Public Prosecutor would submit that the petitioner is knowing very well that the property was attached by a Civil Court decree. Suppressing the factum of attachment and had sold the property to the defacto complainant and cheated him and he also taken consideration of Rs.46,14,500/-.

5.Taking into consideration the facts of the case and submissions made by the counsels and that knowing well about the attachment, the petitioner has sold the property and cheated, this Court is not inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the Criminal Original Petition is dismissed.

-sd/-

01/09/2020

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 JUDICIAL MAGISTRATE,
NO.I, TIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
TIRUPPUR, TIRUPPUR DISTRICT.

CC to M/S.K.MYILSAMY Advocate on payment of necessary charges
sr.6111

CRL OP.13348/2020

Date :01/09/2020

RVR 09/09/2020

WEB COPY