

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.34283 of 2019

VASANTHAPPA

[PETITIONER / ACCUSED]

Vs

STATE REP BY,
INSPECTOR OF POLICE,
HUDCO POLICE STATION,
HOSUR,
KRISHNAGIRI DISTRICT.
CRIME NO. 416 OF 2019.

[RESPONDENT]

For Petitioner : M/S. P.SARAVANAN Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)

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 Section 420 of I.P.C. in Cr.No.416 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that during the year 2006, A1 who is the petitioner herein, through his Power of Attorney has sold the plot of land to the defacto complainant's son. It was now found that the plot so sold is a common pathway and thereby, the petitioner committed the offence of cheating. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner did not commit the said offence as alleged by the law enforcing agency. The petitioner has a valid sale deed, thereby he sold the same to the defacto complainant which is genuine one. Hence he prays for grant of bail.

4.The learned Additional Public Prosecutor stated that as per the directions of this Court the law enforcing agency has measured the property and on the investigation it revealed that A1 is the mother is the owner of the property in S.F.No.545A3A to the extent of 1 Acre 32 cents and the said land was sold infavour of one Gethalakshmi and the remaining extent of 20 cents were executed a gift deed in favour of A1. Thereafter the accused persons plotted the said land and sold to some other third parties. However a

common path was sold infavour of the defacto complainant and admittedly the plots were sold by the petitioner to the defacto complainant for common pathway.

5.Considering the facts and circumstances of the case, the petitioner has sold the common path way to the defacto complainant and the nature of the offence committed by the petitioner, I am not inclined to grant bail.

6. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

29/01/2020

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,
HUDCO POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P.SARAVANAN Advocate on payment of necessary charges

CRL OP.34283/2019

Date :29/01/2020

MK:05/02/2020

WEB COPY