



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8720 of 2020

1. P.Ramesh
2. Muthumani
3. Selvakumar

... Petitioners/Accused Nos.1 to 3

Vs

The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.
Crime No. 426/2020.

... Respondent/Complainant

K.Ramesh

... Intervene Petitioner/Defacto-complainant
in CRL MP(MD)No.4327 of 2020 in
in CRL OP(MD)No.8720 of 2020

For Petitioners : M/s.S.Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.G.Bhagavath Singh, Advocate

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

PRAYER :-

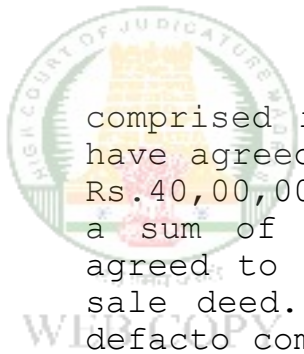
For Anticipatory Bail in Crime No. 426/2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
294 (b), 406, 420 & 506 (1) of IPC., in Crime No.426 of 2020, seek
anticipatory bail.

2.The case of the prosecution is that the defacto complainant
approached the petitioners to purchase the land in Palayamkottai

<https://hcservices.ecourts.gov.in/hcservices/>



comprised in T.S.No.59/79 to set up his business. The petitioners have agreed to purchase the land in his favour and demanded a sum of Rs.40,00,000/-. Out of Rs.40,00,000/-, the defacto complainant paid a sum of Rs.10,00,000/- to the 1st petitioner on 27.06.2020 and agreed to pay the remaining amount on the date of registration of sale deed. Thereafter, on 04.07.2020, the 1st accused informed the defacto complainant that document is ready for registration and when the defacto complainant went for registration, the two accused persons demanded a sum of Rs.10,00,000/- each and Rs.10,00,000/- for one Mupli Kumar. The defacto complainant paid the said amount as demanded by the aforesaid persons. Thereafter, the accused persons did not take any step to register the document as assured by them. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that one T.S.Senthil Arumugam is the owner of the property comprised in S.No.149, Palayamchettikulam Village, Tirunelveli District, he agreed to sale his property to the defacto complainant. Since there is an encumbrance over the property, the document could not be get registered at Palayamkottai. Thereafter, the defacto complainant purchased the property at Tenkasi in the name of T.S.Senthil Arumugam and got the sale deed from him for both land at Tenkasi District. Therefore, the defacto complainant approached one Periyasamy. Accordingly, on 04.07.2020, a land comprised in S.No.200/16B1, Sambavarvadagarai Village, was registered in the name of the said T.S.Senthil Arumugam. For which, the defacto complainant has also paid a sum of Rs.10,00,000/- towards sale consideration. Now, the defacto complainant demanded to return back the said amount by saying that he would cancel the sale deed dated 04.07.2020 executed in favour of T.S.Senthil Arumugam. Therefore, the petitioners are nothing to do with the allegations as alleged by the defacto complainant herein. He further submitted that the dfacto complainant lodged a complaint before the District Crime Branch, Tenkasi and after completion of investigation, the same was closed. After closing of earlier complaint, present complaint has been lodged as against the petitioners and the same has been registered. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned counsel appearing for the intervenor/defacto complainant would submit that the defacto complainant is native of Hosur, Krishnagiri District. He is the Managing Director of M/s. Fresh Farms Enterprises LLP. He wanted to purchase the land in T.S.No.59/79, measuring about 9.14 hectore at Palayamkottai, Tirunelveli District, to set up his automobile business. Due to which, he approached one Periyasamy and the petitioners, who are said to be real estate brokers, and also important persons of Samaththuva Makkal Katchi and they assured him, they get the sale deed in his favour. Believing their words, the defacto complainant paid a sum of Rs.30,00,000/- to the petitioners. Out of Rs.30,00,000/-, the petitioners have taken a sum of Rs.10,00,000/- towards commission for the said sale



consideration. After receipt of money, till date the petitioners did not take any step to register the sale deed and also they refused to return the balance amount of Rs.20,00,000/-. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have paid a sum of Rs.10,00,000/- to the defacto complainant and the balance amount of Rs.20,00,000/- was not paid by them.

6.It is seen that there are so many transactions between the land owners and the petitioners herein and as such, they cheated the defacto complainant to the tune of Rs.20,00,000/-.

7.Considering the above facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this Criminal Original Petition stands dismissed.

sd/-
07/10/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE INSPECTOR OF POLICE,
PAVOORCHATRAM POLICE STATION,
TENKASI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8720 of 2020
Date :07/10/2020

dss
AE/PN/SAR-II (29.10.2020) 3P 3C