



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2020

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PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD). No.9496 of 2020

Ameer Sathik

... Petitioner/Accused No.3

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
in Crime No. 10 of 2019.

... Respondent/Complainant

For Petitioner : M/s.J.M.Hassanul Bazari, Advocate.

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

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

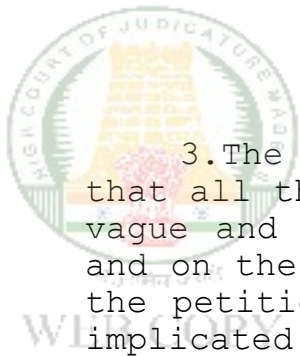
PRAYER :-

For an Anticipatory Bail in Crime No.10 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are five accused in this case. The petitioner/Accused No.3 apprehending arrest at the hands of the respondent police for the offences punishable under Section 420 of I.P.C., in Crime No.10 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a Non-resident Indian and all the accused persons promised to sell 20 cents of land in favour of the de-facto complainant and the sale price was fixed Rs.20,00,000/-. Thereafter, all the accused persons received Rs.5,00,000/- as advance from the de-facto complainant. After that the de-facto complainant has gone back to Dubai and thereafter all the accused persons received another sum of Rs.10,00,000/- in the year 2018 and subsequently, the de-facto complainant came back to India during the year 2018 and requested A-1, A-2 and this petitioner to execute the sale deed and demanded another sum of Rs.3,00,000/-. Despite the same, the accused persons failed to execute the sale deed. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that all the allegation made in the First Information Report is very vague and survey number of the land place to be sold is not given and on the date of payment of amount also is also not mentioned and the petitioner has not received any amount and he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that all the accused received a total sum of Rs.18,00,000/- from the de-facto complainant for selling 20 cents of land and thereafter, they failed to execute the sale deed, hence, the case has been registered against all the accused persons.

5.On perusal of the records, it is seen that this petitioner along with other accused earlier received a sum of Rs.5,00,000/- as advance, subsequently, they received Rs.10,00,000/- and another Rs.3,00,000/- for selling a property in favour of the de-facto complainant. But they failed to execute the sale deed, the case has been registered.

6.Considering the above facts and circumstances of the case and also considering the fact that on the date of receipt of the money and survey number is not mentioned and it is not a ground to disbelieve the case of the de-facto complainant and the allegation made in the First Information Report is very clear that the petitioner after receipt of the amount from the de-facto complainant and thereafter, he failed to execute the sale deed. Hence, I am not inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the Criminal Original Petition stands dismissed.

sd/-
14/09/2020

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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,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9496 of 2020

Date :14/09/2020

SJI

SRS/ VR/ SAR-II/ 17.09.2020/ 3P/3C