



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3004 of 2021

1 SATHIYAMOORTHY
2 M.KANNAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE DISTRICT
CRIME NO.38 OF 2020.

[RESPONDENT]

For Petitioners : M/S.C.MOHANRAJ Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : M/S.S.PRABHAKAR, Senior Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 406 & 420 of I.P.C. in Cr.No.38 of 2020, seeks anticipatory bail.

2. It is the case of the prosecution that the De-facto Complainant gave a sum of Rs.30,00,000/- as advance to the 1st petitioner to purchase a property of the petitioner which was under mortgage with LIC however, the 1st petitioner neither sold the said property in favour of the De-facto Complainant nor returned the money collected from him. Thereafter the 1st petitioner sold the said property to the 2nd petitioner, knowing the fact of sale consideration for the said property given by the defacto complainant to the 1st petitioner. Since the petitioners colluded together and have cheated the De-facto Complainant to the tune of Rs.30,00,000/-, the De-facto complainant lodged a complaint against the petitioners before the law enforcing agency.



3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in the present case. He further submitted that the De-facto Complainant himself created one fake sale agreement in respect of the said property and the 1st the petitioner is ready to bear the cost of subjecting the said document forensic analysis verification. Hence he prays for grant of anticipatory bail.

4. The learned Counsel for the Intervenor submitted that the petitioners promised to sell the property in favour of the De-facto Complainant and collected a sum of Rs.30,00,000/- as advance amount. Thereafter the petitioners neither returned the money nor sold the property in favour of the De-facto Complainant. Since, the accused persons have cheated the De-facto Complainant for a huge sum of money, he prays for dismissal of the present petition.

5. The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case. He further submitted that the admitted signatures of the 1st petitioner have been sent to forensic lab for comparison. Since the accused persons cheated the De-facto Complainant for a huge sum of money, he strongly opposed grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and the quantum of amount involved in this case and also taking into consideration that in the recent past this Court has come accross very many cases involving these kind of offences with an intention to grab money from the innocent people under the guise of sale of lands, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the present petition seeking anticipatory bail is dismissed.

-sd/-
06/10/2021

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,
CENTRAL CRIME BRANCH,
COIMBATORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.MOHANRAJ Advocate on payment of necessary charges

CRL OP.3004/2021

Date :06/10/2021

JPA 28/10/2021