



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20973 of 2020

1 MEENA

[PETITIONERS / ACCUSED]

2 SIVAN

3 PALANIYAMMAL

4 MUNIRAJ

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI.
CRIME NO.10 OF 2020.

[RESPONDENT]

For Petitioner : M/S.K.U.SALE MURUGAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : M/S.G.RAVIKUMAR, 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 offences punishable under Sections 147, 148, 420, 120(b), 34, 427, 461, 471, 506(ii) of IPC in Crime No.10 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a real estate broker and that 1st petitioner/A1 is the friend of the defacto complainant. A1 introduced A3 and A4 to the defacto complainant stating that they are willing to dispose of the property belong to them, for which the defacto complainant had given a sum of Rs.40 lakhs as advance to them and an unregistered sale agreement was also entered into between them in the year 2018 and a sum of Rs.19,20,000/- towards part of the sale consideration, has been credited to the account of the petitioners herein and subsequently, the total sale consideration to the tune of Rs.82,08,000/- has been settled, but the petitioners have not come forward to register the sale deed in favour of the defacto complaint and thereby, cheated him. Hence, the present complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners are bona fide purchasers and they purchased the property from A1. It is further submitted that the relief available to the defacto complainant is of civil nature arising out the unregistered sale deed dated 16.06.2008 between A1, A3 and A4 and the defacto complainant, which is purely civil in nature. It is further submitted that the petitioners are in no way connected with the alleged offense. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor submitted that the defacto complainant paid a sum of Rs.82,08,000/- as total sale consideration for purchase of the land from the owner A3 and A4. After receiving the sale consideration of Rs.82,08,000/-, A3 and A4 have not executed the sale deed in favour of the defacto complainant and colluded with the other accused, executed the sale deed in favour of A5 to A8 by A1 and caused loss to the defacto complainant.

5.The learned Additional Public Prosecutor submits that the defacto complainant with an intention of purchasing the property, had paid a sum of Rs.82,08,000/- towards sale consideration to A3 and A4. A3 and A4 colluded with the other accused, instead of executing the sale deed in favour of the defacto complainant, the said property was executed in favour of A5 to A8 by A1. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration the gravity of the offence committed by the petitioners and that the investigation of the case is still underway, this Court is of the opinion that it would not be justifiable to grant anticipatory bail to the petitioners at this point of time.

7.Accordingly, this Criminal Original Petition is dismissed.

-sd/-
16/04/2021

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,
DISTRICT CRIME BRANCH,
DHARMAPURI.



2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.U.SALE MURUGAN Advocate on payment of necessary
charges

CRL OP.20973/2020

Date :16/04/2021

TA-10/05/2021