



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.20983 of 2020

& CRL.M.P.No.1172 of 2021

1 KARTHICK
2 CHITRA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI.
CR NO.10/2020.

[RESPONDENT]

For Petitioner : M/S.R.NALLIYAPPAN 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, 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 A1 is the friend of the defacto complainant and the 2nd petitioner is wife of A1. A1 introduced A3 and A4 to the defacto complainant stating that they are willing to sell a property which belongs to them, for which the defacto complainant gave 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/- as part of the sale consideration has been credited to the account of the petitioners herein. After receiving the total sale consideration to the tune of Rs.82,08,000/-, the accused persons have not come forward to register the sale deed in favour of the defacto complainant and thereby, the present complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant were doing real estate business and that the defacto complainant used to deal with certain properties and used to transfer some amount in the name of the petitioner/A1 to purchase property. The petitioner also used to purchase the property by giving amount as deposited by the defacto complainant. Accused 3 and 4 colluded with the defacto complainant and in order to grab the property purchased by the petitioner, a false case has been foisted against these petitioners and the the petitioners are innocent persons and they are in no way connected with the alleged offence and that they have been falsely implicated in this case. It is further submitted that there is a civil dispute, for which, the petitioners already approached this Court in Crl.O.P.No.5317 of 2021 to quash the FIR and in that petition, this court granted an order of interim stay. 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.82,088,000/-, 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 and caused loss to the defacto complainant.

5.The learned Additional Public Prosecutor submits that totally a sum of Rs.1.17 crores was cheated in this case. The defacto complainant with an intention of purchasing the property, had paid a sum of Rs.82,08,000/- as 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. 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



1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary
charges

+1 CC to M/S.G.RAVIKUARM, Advocate on payment of necessary
charges SR.NO.4926

CRL OP.20983/2020
& CRL.M.P.No.1172 of 2021

Date :16/04/2021

TA-10/05/2021