



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.22401 of 2021

1 DIVYA
2 BHANUMATHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION,
ERODE DISTRICT
CRIME NO.272 OF 2019

[RESPONDENT]

For Petitioners : M/S.S.N.ARUNKUMAR Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional public Prosecutor

For Intervenor : M/S.R.C.PAUL KANAGARAJ, 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), 420 and 406 of IPC, in Crime No.272 of 2019 on the file of the respondent seeks anticipatory bail.

2. The case of the prosecution is that one Sundar (arrayed as A1) represented that he got a share of 17045 sq.fts of property through partition that he got a share of 17045 sq.fts of property through partition and he planned to do real estate and along with 1st petitioner received Rs.10,00,000/- in the year 2007. Thereafter, they entered a Varhdaman undertaking agreement on 13.12.2010 and paid A1 a sum of Rs.4,35,00,000/- on various dates. It is further alleged that the complainant also paid a sum of Rs.49,44,000/- to City Union Bank in A-1's name (by paying Rs.4,13,000/- for 76 instalments) and further A1 attempted to alienate the property by executing a will Thereafter,



the accused persons neither returned the amount nor executed the sale deed and instead tried to alienate the property. Hence, the defacto complainant, lodged a complaint before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioners submits that the petitioners did not committed any such offence as alleged by the prosecution. He further submits that the petitioners are no way connected with regard to any of the money transactions as mentioned in the complaint and he further submits that already he settled the issue and his property also under SARFASI proceedings, hence he pray for grant of anticipatory bail to the petitioners.

4. The learned Counsel appearing for the intervenor raised his strong objection stating that the petitioner along with other accused mortgaged the property with the defacto complainant and received a sum of nearly Rs.5 Crores assuring that they would return the amount received from the defacto complainant or would execute sale deed. He would further submits that there is a MoU with regard to payment in City Union Bank but contrary to the promise, he alienated the properties to his family members by executing deeds with an intention to cheat his lawful claim.

5. The learned Government Advocate (Crl. Side) submits that more about Rs.5 Crores were involved and the investigation is still pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the allegation levelled against the petitioners and also considering that the settlement issue is not settled, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
14/12/2021

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,
ERODE NORTH POLICE STATION,
ERODE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.N.ARUNKUMAR, Advocate on payment of necessary
charges SR.NO.14742

+2 CC to M/S.R.C.PAUL KANAGARAJ, Advocate on payment of necessary
charges SR.NO.14757

CRL OP.22401/2021

Date :14/12/2021

JPA 04/01/2022