



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice TV. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.24505 of 2021

IN CRL.MP.NO.13905 of 2021

ROOPASUNDARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
S-13, CHROMPET POLICE STATION,
CHENNAI.
(CRIME NO. 459/2021)

[RESPONDENT]

M.RAJA

[INTERVENOR PETITIONER/DEFACTO COMPLAINANT]

(Ordered as per order of this Court dated 21/12/2021 made in CRL.MP.NO.13905/2021 in CRL.OP.NO.24505/2021)

For Petitioner : M/S.S.VENNILA Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

For Intervenor : MR.CHITIRAPUTHIRAN Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.11.2021 for the offences under Sections 406, 420, and 506(2) of IPC, in Crime No. 459 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the de facto complainant are neighbours for about 35 years. While so, the petitioner under the pretext of selling her property which consists of 4950 Sq.ft situated in Pammal - Madura Nagalkeni Village, Arageswarar Colony, to the defacto complainant received a sum of Rs.40 laks as advance and thereafter, failed to do so as promised and when the defacto complainant asked for return of money, the petitioner threatened him with rowdy elements. Hence the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and she has not committed any offence as alleged by the prosecution. He would further submit that the petitioner had borrowed loan of Rs.8 lakhs from the de facto complainant for which, he had obtained the signatures of the petitioner in some papers and thereafter, it has been filled by the defacto complainant as if, the petitioner entered into a sale agreement with the defacto complainant. He would submit that the petitioner has been suffering incarceration for more than 25 days from 26.11.2021. Hence, he would pray for grant of bail to the petitioner.

4. Mr.Chitiraiputhiran, appearing for the intervenor would raise strong objection stating that petitioner had entered into a sale agreement with the defacto complainant to sell the property belongs to her father and for a sale consideration of Rs. 50 lakhs and she received a sum of Rs. 40 lakhs as advance and thereafter she refused to execute the document as per the agreement. Apart from that in order to get NOC from HRNC, she obtained a sum of Rs.10 lakhs since the land not belongs to her.

5. On perusal of the documents reveals that the land in dispute seems to belongs to the temple. As per the submission of the learned counsel for the defacto complainant, for the said property, the petitioner has entered into a sale agreement with the defato complainant and received a sum of Rs.40 lakhs as advance. But the learned Counsel for the petitioner denies the execution of the same. Hence, the case needs a detailed investigation and if the petitioner is released on bail, there is every possibility of the petitioner getting abscond. Hence, this Court is not inclined to grant bail to the petitioner. Accordingly this criminal original petition is dismissed.

-sd/-

21/12/2021

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,
S-13, CHROMPET POLICE STATION,
CHENNAI .

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

<https://hcservices.ecourts.gov.in/hcservices/>



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.VENNILA Advocate on payment of necessary charges
SR.NO.15261

CRL OP.24505/2021

in

CRL.MP.13905/2021

Date :21/12/2021

CSK 05/01/2022