



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.02.2022

Delivered on : 09.02.2022

PRESENT:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.2084 of 2022

Mani ... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Pudhukottai.
(In Crime No.2 of 2022). ... Respondent/Complainant

M.Balasubramaniyan ... Petitioner/Intervener/
De facto Complainant
(in CrI.MP(MD)No.1978/2022)

For Petitioner : M/s.G.Karuppasamy Pandian, Advocate
for M/s.R.Jenifar Bibin, Advocate.

For Respondent : M/s.M.Muthukanikam,
Government Advocate (CrI.Side)

For Intervener : M/s.Vinoth Kumar, Advocate.

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

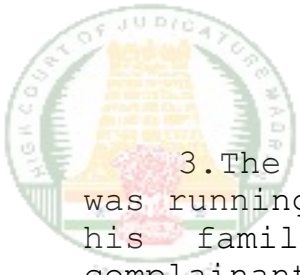
PRAYER :-

For the Anticipatory Bail in Crime No. 2 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehend arrest at the hands
of the respondent police for the offence punishable under Sections
406, 417 and 420 IPC in Crime No.2 of 2022, seeks anticipatory bail.

2.Admittedly the properties comprised in S.No.185/21, 338/8,
338/18, 338/1, 338/2, 338/3, 185/19, 338/17, 338/21 situated in
<https://hcservices.ecourts.gov.in/hcservices/> Mangathevanpatti Village, Kulathoor Taluk, Pudukottai District, is
owned by the *defacto* complainant.



3.The case of the prosecution is that the *defacto* complainant was running a petty shop and was facing financial constraints to run his family, that the first accused approached the *defacto* complainant and assured that he would arrange loan of Rs.15,00,000/- (Rupees fifteen lakhs only) from the second accused, by way of mortgaging the properties of the *defacto* complainant, that the *defacto* complainant believing the words of the first accused, mortgaged the said properties to the petitioner and signed the papers, as if, he was executing the mortgage deed and at that time, he received Rs.1,50,000/- (Rupees One Lakh Fifteen Thousand only), that though the second accused had undertaken to pay the balance amount, he was postponing the same on some pretext or the other, that when the *defacto* complainant approached on 28.08.2020 he came to know that the accused no.1 & 2 had conspired together and obtained a sale deed from the *defacto* complainant, as if, the sale consideration of Rs.35,00,000/- (Rupees thirty five lakhs only) was paid and that therefore, the *defacto* complainant was constrained to lodge the above complaint.

4.The case of the petitioner is that the petitioner is the bonafide purchaser of the property for Rs.35,00,000/- (Rupees Thirty Five Lakhs only) from the *defacto* complainant, that the *defacto* complainant was fully aware of the entire transactions and he alone handed over the revenue records in respect of said lands to the petitioner, that the *defacto* complainant after receiving the sale consideration had subscribed his signatures in the sale deed and also before the Registrar Office, that the petitioner has nothing to do with the transaction alleged to have taken between the first accused and the *defacto* complainant and that the above complaint came to be lodged by implicating the petitioner falsely.

5.The learned counsel appearing for the petitioner would submit that the first accused was arrested and released on bail and that the petitioner may be granted anticipatory bail.

6.The learned Government Advocate (Crl.Side) would submit that in the confession statement given by the first accused, it was clearly stated that there was loan transaction, but as usual, sale deed was taken and that they had also agreed to cancel the sale deed, alleged to have executed, in favour of the second accused and that thereafter they had negotiated with the *defacto* complainant and agreed to pay the remaining sale price of Rs.32,50,000/-, but no amount was paid.

7.The learned counsel for the intervener as well as the learned Government Advocate (Crl.Side) would submit that the petitioner and the first accused had conspired together and wantonly taken the sale deed, as if, the *defacto* complainant was executing the mortgage deed.



8. Considering the above facts and circumstances of this case and also the seriousness and gravity of charges levelled against the petitioner and quantum of amount involved and also the fact that the investigation is pending, as stated by the learned Government Advocate (Crl.Side) this Court is not inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
09/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDHUKOTTAI.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JENIFAR BIBIN.R Advocate SR.No.5424

ORDER
IN
CRL OP(MD) No.2084 of 2022
Date :09/02/2022