



WEB COPY

CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5700 of 2022

and

CRL MP(MD) . No.4447 of 2022

Mani

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch(DCB),
Pudhukottai District.
in Crime No. 2 of 2022.

... Respondent/Complainant

For Petitioner : Mr.M.Seenisulthan
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

For Intervenor : Mr.K.Yasar Arafath, Advocate

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

PRAYER :-

For 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 417 and 420 IPC, in Cr.No.2 of 2022, seeks anticipatory bail.

2.Admittedly, the properties comprised in S.Nos.185/21, 338/8, 338/18, 338/1, 338/2, 338/3, 185/19, 338/17, 338/21 situated in Mangathevanpatti Village, Kulathoor Taluk, Pudukottai District, is owned by the de-facto complainant.

<https://www.hc.in.gov.in/judis>



3.The case of the prosecution is that the de-facto complainant was running a petty shop and was facing financial constraints to run his family, that the first accused approached the de-facto 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 de-facto complainant, that the de-facto 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 Fifty 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 de-facto complainant approached on 28.08.2020 he came to know that the accused No.1 and 2 had conspired together and obtained a sale deed from the de-facto complainant, as if, the sale consideration of Rs.3,50,000/- (Rupees Thirty Five Lakhs only) was paid and that therefore, the de-facto complainant was constrained to lodge the above complaint.

4.No doubt, the petitioner's earlier application was dismissed by this Court, vide order dated 09.02.2022 in CrI.O.P.(MD)No.2084 of 2022.

5.Considering the seriousness and gravity of the offence alleged and quantum of amount involved and also the fact that the investigation is not yet completed as stated by the learned Additional Public Prosecutor and that there is no change in circumstances, since the dismissal of the earlier petition, this Court is not inclined to grant anticipatory bail to the petitioner.

6.In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

sd/-

27/07/2022

/ TRUE COPY /

/08/2022

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

SJI

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(DCB),
Pudhukottai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.5700 of 2022

Date :27/07/2022

RK/PN/SAR-IV/01.08.2022/3P/3C