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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.5692 of 2022

S.Madasamy

... Petitioner/Accused No.1

Vs

1. The State rep.by,
The Inspector of Police,
Othakadai, Madurai District.
(Crime No.57/2021).

2. The Inspector of Police,
Anti Land Grabbing Cell,
Madurai District, Madurai.

... Respondents / Complainants

3.Ranjani

...Petitioner/
Proposed 3rd Respondent/
Defacto Complainant
in CRL MP(MD)No.4563 of 2022

For Petitioner : M/s.Vadivelan T,
Advocate.

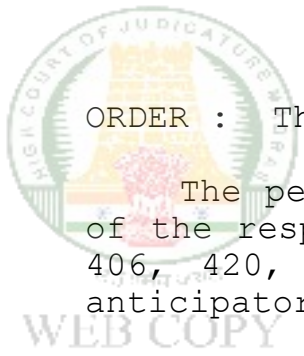
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervener : M/S.VANCHINATHAN.S,
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.57/2021 on the file of the
Respondent Police.



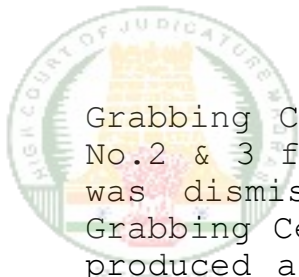
ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(B) AND 506(i) of IPC, in Cr.No.57 of 2021, seeks anticipatory bail.

2.The defacto complainant namely, Ranjani who is the wife of one deceased Oorkavalan lodged a complainant stating that they are senior citizens and pensioners. They are residing at Chennai and owning a house property in Door NO.5/159 in Thirumohur, Madurai. Their son is living at Madurai. There is family dispute between them and their son. Hence, they have decided to sell the above said house property without knowledge of their son and approached one Kanakaraj (A2) and one Sakkaiah Servai (A3), who were brokers. They told that one Madasamy(A1), who is the petitioner herein, wanted to purchase the above said property for a sale consideration of Rs.25 lakh. On 20.11.2020, they executed a sale deed in favour of the petitioner/A1. At that time, the petitioner gave a cheque for a sum of Rs.25 lakh as sale consideration. Subsequently, the above said cheque was get back by the petitioner by giving false promise that he will pay the said amount as cash. Even though, repeated demand was made, the petitioner did not pay the amount till now. Thereby, he cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready to abide any conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the Intervenor would submit that since the petitioner did not pay any amount to the defacto complainant, she filed an objection petition before the Sub Registrar on 23.11.2020. After that, the accused persons threatened her and her husband to withdraw the objection petition and hand over the possession of the house. On 15.12.2020, again, the defacto complainant approached the brokers Kanakaraj (A2) and one Sakkaiah Servai (A3), and asked them to get their money from the petitioner. The above said broker Kanakaraj (A2) gave a cheque for Rs.10 lakh as if it was given by the petitioner. When the entire consideration was demanded by her, they threatened her and her deceased husband. Later, it was found that no money was found in that account. They also took away the above said cheque. Thereafter, they caused damaged to their house and household articles and threatened them with dire consequences. Even though, complaint was given against the accused, no action was taken. Hence, the defacto complainant filed a petition in Crl.OP(MD)No.18392 of 2021 seeking transfer of investigation to the Anti Land Grabbing Cell, Madurai District. That



Grabbing Cell, Madurai District. In such circumstance, the petitioner filed No.2 & 3 filed a petition in Crl.OP(MD)No.2372 of 2022 and the same was dismissed on 16.02.2022 with the observation that the Land Grabbing Cell had filed a final report as "Mistake of Fact" and also produced a copy of the final report. It is not correct. Till date, the investigation is pending before the Land Grabbing Cell, Madurai District. The petitioner suppressed the same, approached this Court. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.The learned Additional Public Prosecutor would submit that since the amount involved in this case is huge amount, the custodial interrogation of the petitioner is necessary. Hence, he strongly opposed to grant bail to the petitioner.

6.Considering the facts and circumstances of the case and also considering the amount involved in this case, the custodial interrogation of the petitioner is necessary. Hence, this Court is not inclined to grant anticipatory bail to the petitioner at this point of time.

7.Accordingly, this Criminal Original Petition is dismissed.

sd/-
11/11/2022

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/11/2022

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

DSS

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,
OTHAKADAI, MADURAI DISTRICT.
2. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
MADURAI DISTRICT,
MADURAI.



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3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.5692 of 2022

Date :11/11/2022

RD/SSS/SAR-2 (23/11/2022) 4P/4C