



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 11/08/2022

PRESENT

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)Nos.10164 and 10534 of 2022

D.Pavithra

... Petitioner/Accused No.5
in Crl.OP(MD)No.10164 of 2022

1.Paskaran @ Baskaran

2.Senthilkumar @ Senthil

... Petitioners/Accused Nos.2 & 3
in Crl.OP(MD)No.10534 of 2022

Vs.

State thro'
The Sub Inspector of Police,
DCB Police Station,
Madurai District.
(In Crime No.19 of 2022)

... Respondent/Complainant

Meenakshi Sundaram

...Petitioner/Intervener
in Crl.MP(MD)No.7365 OF 2022

For Petitioner : Mr.S.Chandrasekaran, Advocate
in CRL OP(MD)No.10164 of 2022
: Mr.G.Vishnuram, Advocate
in CRL OP(MD)No.10534 of 2022

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Criminal side)
in both petitions

For Intervenor : Mr.B.Mahendrarajan, Advocate
in both petitions

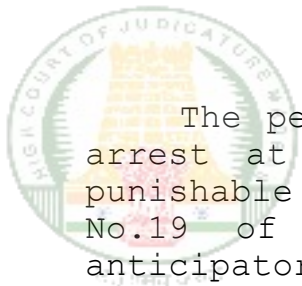
PETITION FOR ANTICIPATORY BIAL under Sec.438 of Cr.P.C.C

PRAYER:-

For Anticipatory Bail in Crime No.19 of 2022 on the file of the
Respondent Police.

COMMON ORDER: The Court made the following order:-

<https://www.mhc.tn.gov.in/judis>



The petitioners, who are arrayed as A2, A3 and A5 appearing, are seeking arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420 and 506(i) IPC, in Crime No.19 of 2022 on the file of the respondent police, seek anticipatory bail.

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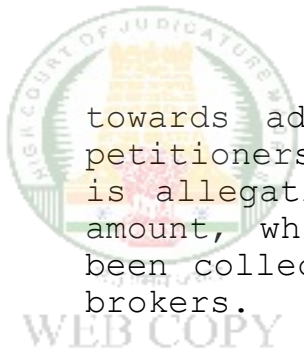
2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that he is running a sweet shop and through the real estate broker Saravana Kumar, one Baskaran was introduced to him. The above said Baskaran and his son namely Senthil told him that a property is coming for sale in Thadampatti village. He was informed that the above said property is standing in the name of Pavithra. The above said Pavithra gave power to them to sell the property. He also given the original document of the above said Pavithra. They entered into a sale agreement for 1 acre and 8 cents. At that time, the above said Pavithra is also coming and contacted through phone. She has also stated that they can proceed with the transaction and also asked them to contact A1. Later he transferred Rs.10,00,000/- to the account of one Dinesh Babu, who is the cousin of the above said Prabhu. Later they failed to keep their promise. It was also brought to the notice that the above said Pavithra is making arrangement to sell the property to some other persons. When that was enquired, the accused criminally intimidated, abused in filthy language and also refused to return the amount. So on the basis of the complaint, the case was registered.

3.Seeking anticipatory bail, the petitioners have filed these petitions.

4.Heard both sides.

5.The de-fcto complainant is the agreement holder of the property and the other accused persons stated to be land brokers. As per the case of the prosecution, what was found during the course of investigation is that A1 Prabhu by receiving Rs.10,00,000/- as advance amount promised to arrange a sale deed in favour of the de-facto complainant and later defaulted.

6.On behalf of Pavithra, the learned counsel appearing for the petitioner in Crl.OP(MD)No.10164 of 2022 would contend that only for the purpose of making arrangement for selling the property, she handed over the title document to the land brokers, but without informing her, A1 and other land brokers received Rs.10,00,000/- from the de-facto complainant. But it is the case of the petitioners to the effect that the petitioners and the de-facto complainant informed about the proposal to the above said Prabhu and he has also given consent. After the above said transaction, Rs.10,00,000/- was received by A1, which was shared among the co-accuse and this petitioner/A5 was paid Rs.5,00,000/-. But no material has been collected during the course of investigation to show that this petitioner/A5 has also received Rs.5,00,000/- from A1



towards advance amount of the sale consideration, similar to the petitioners in Crl.OP(MD)No.10534 of 2022 also. Even though, there is allegation to the effect that they also paid a portion of the amount, which was received by the above said A1, no material has been collected so far. But it appears that A1 to A3 were acting as brokers.

7. Even though, A1 received money he was granted anticipatory bail by the Principal Sessions Judge, Madurai. That was modified to the effect instead of depositing the amount, some other condition was imposed. Since the main accused has been granted anticipatory bail, this court is inclined to enlarge the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Madurai and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petitions for anticipatory bail will stand dismissed.

sd/-

11/08/2022

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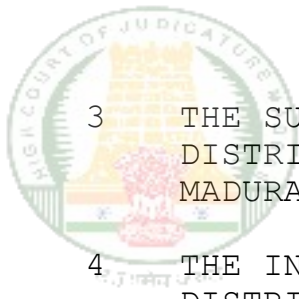
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

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 JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



(1)Crl.OP(MD)No



2:-

- 3 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

Crl.OP (MD) Nos.10164 and
10534 of 2022

Date :11/08/2022

PKP/PN/SAR-2/05.09.2022/4P/6C