



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.14622 of 2022

1. S.Samuvel Sundarraaj
2. S. Cherly Lakshmi
3. R. Thasarathan
4. D. Thinakaran
5. K. Sha Mohamed Siddiq ... Petitioners/Accused No.1 to 5

Vs

The State represented by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District
(Crime No. 181 of 2022). ... Respondent/Complainant

S.Rajan ... Petitioner/Defacto complainant
in CRL MP(MD) No.10220 of 2022

For Petitioners : M/s.Ajmal Associates,
Advocate.
For Respondent : Mr.A. Albert James,
Government Advocate (Crl.Side)
For intervenor : Mr. B.Govinda Prabhu

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

PRAYER :-

For Anticipatory Bail in Crime No.181 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
120B, 406, 420, 418, 465 and 506(i) IPC in Crime No.181 of 2022 on
the file of the respondent police, seek anticipatory bail.

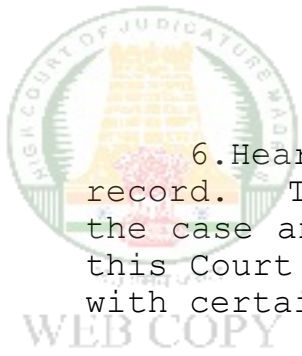


2.The case of the prosecution as per the De-Facto Complainant, is that A3 is his long time friend for the past 13 years and he had introduced A1 and his wife A2 to the defacto complainant. In the course of their transaction, A1 said to have told him that a land situates at Vilpatti Village, Kodaikanaal belongs to A6 to A8 and it is available for sale and that he can arrange for the sale of the said property in favour of the defacto complainant. On the strength of the said representation, the defacto complainant has paid a sum of Rs.1,00,000/- on 01.06.2018 in favour of A6 as advance at office of one Subramanian, Auditor, the husband of A6. Further, on 06.07.2018, the defacto complainant has paid a sum of Rs.10,00,000/- to A6 and entered into an agreement on the same day with the said A6 and it was represented that signature will be obtained from A7 and A8 and agreement will be handed over him later. Believing the said representation, the defacto complainant has paid a total sum of Rs.71,64,250/- as advance. Whereas, later, he came to know that A6 to A8 had executed a power of attorney in favour of A2, who is the wife of A1. Based on the above said power of attorney, A6 to A8 represented by A2 and executed a sale deed, dated 08.02.2021 in faovur of M/s. Kodai Properties and Developers, represented by partners (A1, A3 and A5) and cheated him. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that it is a case of civil dispute and the defacto complainant has filed a suit in O.S.No.45 of 2021 on the file of District Munsif Court, Kodaikanal to declare the power of attorney and consequential sale deed executed in favour of A2 as null and void. He would further submit that in an earlier complainant given by the defacto complainant enquiry was conducted and the same has been closed as mistake of fact and thereafter, the present complaint has been filed before the learned Judicial Magistrate and on reference under Section 156(3) Cr.P.C., a case has been registered and seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the accused persons have induced the defacto complainant and by offering to sell the property on false promise have received a huge sum of Rs.71,64,250/- through bank transactions and cheated him and hence, he opposes to grant anticipatory bail.

5. The learned counsel appearing for the intervenor submitted that on giving a false promise the petitioners have entered into an agreement and received a huge amount of Rs.71,64,250/- from the defacto complainant and subsequently, cheated him by not registering the land in favour of the defacto complainant. He would further submit that amount has been paid through bank transactions and thereby, he opposes to grant anticipatory bail to the



6. Heard the learned counsels and the perused the materials on record. Taking into consideration the facts and circumstances of the case and that the civil suit is pending before the Court below, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Kodaikanal**, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week, thereafter every Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

08/12/2022

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/12/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
KODAIKANAL.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION, DINDIGUL DISTRICT

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

ORDER

IN

CRL OP(MD) No.14622 of 2022

Date :08/12/2022

SS/VR/SAR III/21/12/2022/ 4P 5C