



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

Date : 23/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.18043 of 2021

1. A.Muthuramalingam
2. P.Ravindran
3. M.Kasinathan

... Petitioners/Accused No.2,3&4

Vs

The State Rep. By,  
The Inspector of Police,  
District Crime Branch,  
Madurai District.  
Cr.No.23 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Ramakrishnan K K,  
Advocate.  
For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor  
For Intervenor : Mr.T.Thirumurugan,  
Advocate.

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

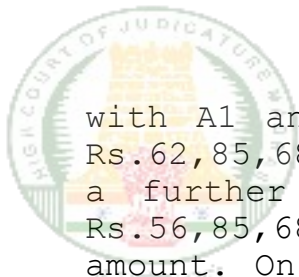
PRAYER :-

For Anticipatory bail in Crime No.23 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2, A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.23 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Sasikumar are the owner of the various lands to the extent of 5 acres 68 cents in S.No.74/1A, 72/1B2C1, 73/2A2, 74/1B, 74/2A, 73/2B, 73/2C & 73/2D situated at Chennampatty Village, Madurai. In respect of the above, they executed the registered power of attorney in favour of A1 without receiving any consideration with mutual agreement that A1 promoted the layout and sold the same to third party and remit the consideration to the defacto complainant and the defacto complainant also entered into unregistered sale agreement



with A1 and agreed to purchase the divided 95 plots for Rs.62,85,688/- on receipt of Rs.2 lakh as advance and agreed to pay a further sum of Rs.4 lakh within 10 days and further sum of Rs.56,85,688/- within 1 year thereafter. But. A1 did not pay the amount. On suspecting the same, the defacto complainant applied for encumbrance and found that total number of 95 plots were sold to the petitioners. But, A1 did not repay the consideration to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are *bona fide* purchasers. They also paid their proper sale consideration to A1. Apart from that, A1 also received a sum of Rs.21,31,000/- from the petitioners. Further, the investigation was completed and charge sheet was filed before the learned Judicial Magistrate, Madurai. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the Intervenor would submit after execution of said power of attorney, A1 had not paid the sale consideration till date and failed to act as per agreement. In spite of repeated demand, there was no response. Hence, the defacto complainant verified the revenue records by way of encumbrance certificate and found that A1 sold the entire 95 plots in favour of the petitioners herein through 3 sale deeds. The said 3 sale deeds are totally illegal. Hence, the defacto complainant lodged a complaint before the respondent police and the present case came to be registered. Due to which, A1 filed a petition in Crl.OP(MD) No.17145 of 2021 seeking anticipatory bail and gave an undertaking that he will ready to pay the entire amount. But, he did not complied the same. On that ground, the said petition was dismissed by this Court, on 24.08.2022. The first petitioner and one Palpandi were shown as witnesses and the third petitioner had prepared the documents. The second petitioner is the friend of the first petitioner. It is made clear that the petitioners have colluded with A1, purchased the property and cheated the total sale consideration. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor would submit that the investigation was completed and charge sheet was filed before the learned Judicial Magistrate, Madurai. However, huge amount of money i.e., Rs.56,85,688/- is involved in this case, he strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the investigation was completed and charge sheet was filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned the Judicial Magistrate No.I, Madurai, on condition that the petitioners shall execute a 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 learned Magistrate concerned and on further conditions 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 concerned Court on all hearing dates without fail;**

(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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
23/11/2022

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/11/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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.

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,  
MADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
MADURAI DISTRICT.

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

+1 CC to M/s.K.K.RAMAKRISHNAN, Advocate ( SR-13517[I] dated  
23/11/2022 )

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-13659[I] dated  
24/11/2022 )

ORDER

IN

CRL OP(MD) No.18043 of 2021

Date :23/11/2022

dss

USK/VR/SAR-I/30.11.2022/4P/7C