



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 06/06/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.8871 of 2023

Kalyani,

... Petitioner/Accused 1

Vs

The State rep.by
The Inspector of Police,
CCB Police Station,
Madurai City.
Crime No.2 of 2023.

... Respondent/Complainant

For Petitioner : M/s.SATHISH KUMAR K,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

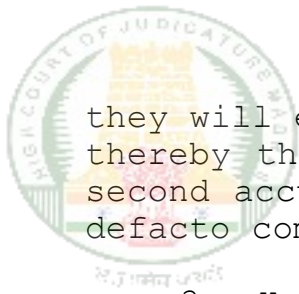
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 420 of IPC in Crime No.2 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that believing the words of the second accused on 10.06.2022 the defacto complainant entered into sale agreement with the first accused and as per the sale agreement the total consideration of Rs.70,00,000/- and thereby the defacto complainant paid a sum of Rs.40,00,000/- to the first accused as advance. Before paying the advance amount the defacto complainant spoke with the third and fourth accused who are the owner of the property through phone and on their instructions he had given the advance amount to A1 and he received the original power deed from the first accused. Further the first and second accused received a sum of Rs.10,00,000/- and also received Rs.1,00,000/- as registration fee and thereby totally received Rs.51,00,000/- Thereafter when the defacto complainant obtained EC for the said property he came to know that the already the fifth accused had given the property to the sixth accused as Gift on 11.05.2020. When the same was questioned the first and second accused told that it was wrongly entered and after cancellation



they will execute the sale deed, but they did not take any steps and thereby the defacto complainant asked to return the money, but the second accused switched off his mobile phone, thus they cheated the defacto complainant, hence the case came to be registered.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally six accused in this case and the petitioner herein are arrayed as A1. According to the case of prosecution the property originally belongs to A3 and A4. In respect of the property, power of attorney was executed by A1. On the strength of power of attorney she had received Rs.40 lakhs as advance and executed agreement for sale in favour of the defacto complainant on 10.06.2020. On verification it came to light that all the properties were settled in favour of one Srivivasan. Therefore the petitioner without any valid title had executed agreement of sale for Rs.40lakhs and cheated the defacto complainant, whereas the learned counsel for the petitioner would submit that after receipt of Rs. 29 lakhs for sale consideration had received the power of attorney in her favour. Thereafter the petitioner received another amount from the defacto complainant as advance and she has not entered into any agreement of sale, she also lodged complaint on 21.04.2023.. It is seen that the power of attorney was executed in the year 2011 and even assuming that after payment of entire sale consideration settlement would have been executed in favour of the petitioner, the petitioner did not take any steps to get the sale deed, even till the complaint is lodged by the defacto complainant, therefore custodial interrogation of the petitioner is very much required in this case, hence this court is not inclined to grant anticipatory bail to the petitioner.

5. In the result, the petition stands dismissed.

sd/-

06/06/2023

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/06/2023

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

AAV

TO

- 1 THE INSPECTOR OF POLICE,
CCB POLICE STATION, MADURAI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.8871 of 2023

Date :06/06/2023