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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 07/09/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

CrI.OP(MD)No.15879 of 2023

K.T.Muthaiah

: Petitioner/ A1

Vs.

State rep. through its
Inspector of Police,
District Crime Branch,
Madurai District,
Madurai.

(In Crime No.22 of 2019)

: Respondent/ Complainant

For Petitioner : Mr.Niranjan S.Kumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Anticipatory Bail in Crime No.22 of 2019 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A1 apprehends arrest at the hands of the respondent police for the offences punishable under sections 34, 406, 420, 465, 468, 471 and 506(i) IPC, in Crime No.22 of 2019 on the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is brief:-

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The de-facto complainant is doing Real Estate business. One Mariappan introduced A2 stating that he is a Real Estate Broker. On 29/03/2008, A1 was introduced by the above said A2. He has stated that he is having 22 acres of land for real estate business. He promised him that huge profit can be earned by purchasing and selling the house sites. He was taken to Vellanji village and shown his properties and handed over the xerox copies of the documents. The sale price was fixed at Rs.6,000/- per cent. They received Rs.16,00,000/- as advance amount. A2 signed as witnesses. Again, on 14/05/2008, A1 and A2 demanded Rs.5,00,000/- in addition. But later, A1 delayed the execution of sale deed. On 09/07/2009 again, A1 handed over power of attorney deed and promised him to sell the above said land. Even after the above said, he was delaying. Later, he came to know that a case in Crime No.39 of 2014 was registered against A1 and others. A2 promised that issue will be settled when A1 is released on bail. A1 was also released on bail and again promise was made to settle the money within six months. Even after that, they failed to keep his promise. A complaint was given to the Superintendent of Police, on 25/02/2019. On enquiry, A1 and A2 undertook to settle the issue. In spite of that, they did not keep their promise. On the basis of the above said occurrence, a case in Crime No.22 of 2019 was registered for the offences stated above.



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3. Seeking anticipatory bail, this petitioner moved Cr.M.P Nos.4813 and 4922 of 2019 that was filed along with the other accused namely M.Kannan, who is the son of this petitioner. Both were heard together by the Principal Sessions Judge, Madurai. By order, dated 04/10/2019, anticipatory bail was granted with conditions that this petitioner must deposit Rs.5,00,000/- at the time of surrender. Later that order was not complied. But however, he moved CrI.OP(MD)No.12747 of 2020, seeking quashment of the FIR.

4. Reading of the above said order does not indicate the disclosure of the conditional order passed by the Principal Sessions Judge, Madurai in the above said petition. Without complying the above said order, the above said quashment petition was filed and also came to be dismissed, on 16/08/2023. This is the third attempt on the part of the petitioner to get a favourable order by way of filing this petition. This petition has been filed, on 29/08/2023, after dismissal of CrI.OP(MD)No.12747 of 2022.

5. This indicates the conduct and nature of this petitioner. He wanted to misuse the process of this court to his advantage. It is stated that it is a civil issue between the de-facto complainant and A1, who is the petitioner herein a criminal colour has been given and the case has been registered, even earlier criminal complaint given by the de-facto complainant was closed by the police. But what emerges from the factual



aspect is that what started as a civil issue, later, developed into a criminal in view of the conduct of the petitioner.

6.The learned counsel appearing for the petitioner would submit that onerous condition has been imposed upon the petitioner by the Principal Sessions Judge, while entertaining the anticipatory bail application. If it is so, he ought to have taken proper remedial measures immediately. But filed quash petition in stead of taking steps to get remedy. So this conduct on the part of the petitioner cannot be approved.

7.So, I find absolutely no reason to entertain this sort of petition, which clearly amounts to abuse of process of the court.

8.In the result, this criminal original petition is **dismissed**.

sd/-
07/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

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

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



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ORDER
IN
CRL OP(MD) No.15879 of 2023
Date :07/09/2023

SS/VRS/13/09/2023/5P/3C

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