



CRL OP(MD). No.16185 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16185 of 2023

Inbaraj

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
CCB Police Station,
Tirunelveli,
Crime No.15/2023..

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian,
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.15/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, apprehending arrest at the hands of the



CRL OP(MD). No.16185 of 2023

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respondent police for the alleged offence punishable under Sections 420, 468 of IPC in Crime No.15 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant's version is that the defacto complainant along with his family members residing in the first accused's house for rent. At that time, the first accused canvassed the defacto complainant as if he is doing real estate business and he can arrange a plot for him. Believing his words, he handed over Rs.14,50,000/- for purchasing a property. Thereafter, the first along with other accused persons arranged a plot. On 26.06.2019, they registered a sale deed in favour of the defacto complainant. But, after some time, when the defacto complainant went to see his plot, some constructions was made in that plot. On enquiry, he came to know that it is a Government Poramboke land and now the Government intends to construct a Hostel for Adi Drawidar Welfare Government Children School. Thereby, the accused persons cheated the defacto complainant. Hence, on 16.05.2023, the defacto complainant lodged a complaint before the Commissioner of Police, Tirunelveli City. Since there was no response, he has filed a complaint before the learned Judicial Magistrate No.I, Tirunelveli. The same was forwarded to the respondent police and the respondent police registered the present case in Crime No.15 of 2023.



CRL OP(MD). No.16185 of 2023

WEB COPY

3.The learned counsel for the petitioner would submit that the petitioner is only a witness for the above said transaction. He is not the main accused. While the above said transaction, the petitioner has obtained a sum of Rs.50,000/- as broker commission from the petitioner. After knowing the above said occurrence, the defacto complainant questioned the same with the petitioner. The petitioner agreed to give the above said broker commission. As agreed, they have entered into an agreement, by which, the petitioner herein returned the above said Rs.50,000/- to the defacto complainant. On that ground, this petition has been filed seeking anticipatory bail.

4.The learned Additional Public Prosecutor would submit that this petitioner only identified the property, which belongs to the Government as it belongs to the Seller. Thereafter, agreement was reached between them. Later it was settled before the Lok Adalat, Tirunelveli. In pursuance of the above said Lok adalat award, sale deed was also executed between the parties. Later only, it came to know that the property belongs to Government. Thereafter, there was a compromise between the parties, by which, the second accused agreed to sell some other property. Later that property also found to be not belonged to the second accused. Later only, the present complaint has been given. Based upon which, the case has been registered.



CRL OP(MD). No.16185 of 2023

WEB COPY

5.The learned counsel for the petitioner would submit that since compromise was reached between the defacto complainant and the petitioner, the co-accused namely A2 and A3, who were arrested, were released on bail. Now the petitioner cannot take advantage of the above said agreement that was reached between him and the defacto complainant, which entered into on 08.03.2021. Later only the above said trouble has arisen between the parties over the property that was shown by the second accused.

6.Considering the above said facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. This petition deserves to be dismissed.

7.Accordingly, this criminal original petition stands dismissed.

sd/-

14/09/2023

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/10/2023

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

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CRL OP(MD). No.16185 of 2023

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

ORDER
IN
CRL OP(MD) No.16185 of 2023
Date :14/09/2023

SS/JGB/SAR- /25/10/2023/5P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023