



CRL OP(MD) No.1436 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1436 of 2024

1 PETERRAJ

2 LEEMA PETERRAJ

3 BACKIARAJ

... PETITIONERS / ACCUSED 1 - 3

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.
CRIME NO.2 OF 2024.

... RESPONDENT / COMPLAINANT

MANJULA

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT
in CRL MP(MD)No.1289 of 2024
in CRL OP(MD)No.1436 of 2024

For Petitioner : Mr.SUBASH CHANDRA BOSE M Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Intervener : Mr.N.ANANDAKUMAR, Advocate

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

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



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PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.2 OF 2024 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 alleged offence under Sections 120(B), 420, 506(1) and 34 IPC, in Crime No.2 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have shown four plots in Survey No.465/5A for sale to the defacto complainant and her husband and have stated that Survey No.465/5A has 4800 sq.ft. Believing the words of the accused persons, the defacto complainant's husband has also paid a sum of Rs.37,00,000/- as sale consideration, however, on field verification, it was found that only 500 sq.ft is only available in Survey No.465/5A and when it was questioned by the defacto complainant, the accused persons have threatened the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have

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been falsely implicated in this case. He would further submit that the petitioners are ready to execute another sale deed by incorporating Survey Nos.465/3A and 465/3B which would come to the extent of 4800 sq.ft. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submits that the property in question which was shown to the defacto complainant actually belongs to one Ibrahim and it was situated in Survey Nos.465/3A and 465/3B. However, the accused persons have cheated the defacto complainant as if the property was situated in Survey No.465/5A which has 4800 sq.ft and borrowed a sum of Rs.37,00,000/- from the defacto complainant. On verification, it was found that Survey No.465/5A has 500 sq.ft only and when it was questioned by the defacto complainant, the accused persons threatened the defacto complainant. Hence, he prays for dismissal of this petition.

5. Heard the learned Government Advocate appearing for the respondent Police.

6. Admittedly, the defacto complainant has given a sum of



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Rs.37,00,000/- to the accused persons for purchasing the property in Survey No.465/5A, which is alleged to have been to the extent of 4800 sq.ft. During field verification, it came to light that Survey No.465/5A has only 500 sq.ft, which was questioned by the defacto complainant, due to which, the accused persons have threatened her with dire consequences. On earlier occasion (i.e.,) 05.02.2024, though the learned counsel appearing for the petitioners, on instructions, submitted that the petitioners are ready to hand over 4800 sq.ft in favour of the defacto complainant, so far they have not handed over the land in favour of the defacto complainant. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioners, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/03/2024

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/04/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb



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TO
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- 1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-3493[I] dated 21/03/2024)

ORDER
IN
CRL OP(MD) No.1436 of 2024
Date :20/03/2024

RK/VR (16/04/2024) 5P / 4C

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