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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17697 of 2024

1. Sahaya Benitta,
W/o. Sahayaraj,

2. Sahayaraj,
S/o. Dennis,

... Petitioners/ Accused Nos.1 & 2

Rani,W/o Vincent

... Intervenor/Defacto Complainant

Vs

The State of Tamil Nadu,
Rep by the Sub-Inspector of Police,
Mondaikadu Police Station,
Kanyakumari District.
Crime No.18/2024.

... Respondent/Complainant

For Petitioner : Mr.Lenin C S,
Advocate.

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

For Intervenor : Mr.S.Jeyakumar

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



PRAYER :-

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For Anticipatory Bail in Crime No.18 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of IPC, in Crime No.18 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A1 and A2 entered into an agreement for sale with the defacto complainant to sell the house property for a total consideration of Rs.22,50,000/-. After paying the entire amount, an unregistered sale deed was executed in favour of the defacto complainant by A1 and A2. Further, on the request made by the petitioners, a lease deed was executed on 27.08.2021 between both parties and the petitioners continued with the possession and enjoyment. Thereafter, the petitioners breached the promise and they failed to vacate the property.

3.Heard. Perused the materials available on record including the First Information Report.

4.Considering the nature of allegations that the property is a T-sunami

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allotment house and all these parties are entering into an unregistered transaction of



selling those houses and promising to sell to the defacto complainant and she parted with the entire sale consideration, but however, neither the possession of the house entrusted nor the money returned, this is not a fit case for the grant of anticipatory bail to the petitioners.

5. Accordingly, this Criminal Original Petition is dismissed.

sd/-
24/10/2024

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/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SUB-INSPECTOR OF POLICE,
MONDAIKADU POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1CC to M/s.S.Jayakumar, Advocate(SR.No.13105)

ORDER
IN
CRL OP(MD) No.17697 of 2024
Date :24/10/2024

MGJ(20.12.2024) 3P 4C

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