



CRL OP(MD) No.18296 of 2023

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.18296 of 2023

JEYAGOPAL

... PETITIONER/SOLE ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

SHEBIN

... PETITIONER/INTERVENER/DEFACTO COMPLAINANT
IN CRL MP(MD).15028/2023 IN CRL OP(MD).18296/2023

For Petitioner : M/S.G.ANTO PRINCE Advocate
For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor
For Intervener : MR.B.N.RAJA MOHAMMED, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.402/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for
the alleged offence under Sections 420 IPC, in Crime No.402 of 2023, seek anticipatory
bail.



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2. The case of the prosecution is that the petitioner entered a sale agreement with the defacto complainant and received Rs.6,85,000/-. Thereafter, the defacto complainant came to know that the said land is belonged to one Mukkandi and he sold it to someone else and they have been constructing a house on their purchased land. Without any title or right over the property, the petitioner entered the sale agreement with the defacto complainant on receipt of Rs.6,85,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the intervenor would submit that without any title or right over the said property, the petitioner entered sale agreement with the defacto complainant and received Rs.6,85,000/- from the defacto complainant and the same was not returned. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the State would submit that investigation is pending.

6. Considering the facts and circumstances of the case and also considering the



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fact that without any title or right over the said property, the petitioner received Rs.6,85,000/- as part of sale consideration from the defacto complainant and the same was not returned to him, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/01/2024

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/01/2024

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

INDU

TO

1 THE SUB INSPECTOR OF POLICE, THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-366[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.18296 of 2023

Date :08/01/2024

RS/JGB/SAR-(29.01.2024) 3P 4C

Madurai Bench of Madras High Court is issuing
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