



CRL OP(MD) No.22743 of 2023

WEB COPY

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22743 of 2023

R.HEMALATHA ... PETITIONER/ ACCUSED (RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH II,
TRICHY DISTRICT.

CRIME NO.NOT KNOWN OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.T.LENINKUMAR, 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.NOT KNOWN OF 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 406 and 420 IPC, in Crime No.not known of 2023, seeks anticipatory bail.

2.The case of the prosecution is that in the land belonging to the de-facto



CRL OP(MD) No.22743 of 2023

WEB COPY

complainant, one Suresh and Sundarraaj have constructed a hotel in the name and style of Lotus Restaurant and agreed to pay the rent. While so, in order to meet the expenses incurred for the said construction of hotel, they have approached the de-facto complainant for funds and at their request, one Priya Rajan, who is the daughter of the de-facto complainant, has joined the partnership firm as a partner. The de-facto complainant not only invested through his daughter but also arranged a bank loan for Suresh and Sundarraaj enabling them to buy the utensils and other materials for the said hotel on condition that the said two partners should pay the EMI every month. While this being the position, without the knowledge of either the de-facto complainant or his daughter, the other partners, namely, Suresh and Sundarraaj sold the said hotel to one Hemalatha for a sale consideration of Rs.1,75,00,000/- and obtained an advance of Rs.15,00,000/- and it is alleged that the said amount was deposited in the account of Suresh and the hotel bank account for the EMI. It is also alleged that the alleged purchaser/petitioner herein promised to pay the remaining sale consideration within three months. Believing her words, the partners confirmed the sale without the knowledge of the de-facto complainant. However, the alleged purchaser/petitioner herein has gone back in her words and has not paid the sale consideration. It is the further case of the prosecution that the petitioner along with her uncle, viz., Manoharan, has cheated the public and misappropriated funds and



CRL OP(MD) No.22743 of 2023

WEB COPY

they have repeated their acts by swindling money in the guise of running chit funds and finance company etc. It is further alleged that the petitioner herein not only cheated the de-facto complainant but also the other partners, by neither paying the EMI nor the sale consideration. It is the specific case of the de-facto complainant that he has neither made an agreement with the petitioner herein nor the partners, viz., Sundar and Suresh for alienating the property in question. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that in fact, the defacto complainant has approached the petitioner to alienate the property. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the properties involved in this case run to several crores and the defacto complainant has not intended to alienate the property in favour of the petitioner and without the knowledge of the defacto complainant, the property was sold to the petitioner by the other partners.

5. Considering the facts and circumstances of the case and the manner in which the property was alienated and the fact that no documents whatsoever have been produced with regard to the alleged sale agreement between the petitioner and the



CRL OP(MD) No.22743 of 2023

defacto complainant, it is not a fit case for grant of anticipatory bail.

WEB COPY

6. Accordingly, this Criminal Original Petition is dismissed.

sd/-

05/01/2024

/ TRUE COPY /

/02/2024

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

SSB/RR

TO

1 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH II, TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.22743 of 2023

Date :05/01/2024

RS/JGB/SAR-(01.02.2024) 4P 3C

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