



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

Wednesday, the Thirtieth day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.16128 of 2015

RAMESHWARI

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE REP. BY ITS
INSPECTOR OF POLICE
CHATHIRAPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.475/2015)

... RESPONDENT/ COMPLAINANT

G.SUBRAMANI

... PETITIONER/INTERVENER

For Petitioner : M/S.V.MANOCHARAN Advocate

For Respondent : MS.S.PRABHA, Govt. Advocate (Crl. Side)

For Intervener : Mr.M.AYYAPPAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as the 1st accused, apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 420 and 406 IPC in Crime No.475 of 2015 on the file of the respondent Police and hence, seeks anticipatory bail.

2.According to the de facto complainant, the accused entered into an agreement with the de facto complainant to sell her property to an extent of 1.31 hectares for a sale consideration of Rs.28,500/- per cent and received Rupees Five Lakhs as advance, but, later sold the property to the third party and thereby cheated the de facto complainant.

3.The learned counsel for the petitioner submitted that as per the agreement dated 19.01.2013 the de facto complainant ought to have paid the balance amount for effecting sale deed. But he issued a notice after a lapse of one year claiming Rs.10 lakhs from the petitioner / accused. The learned counsel further submitted that the de facto complainant was not ready and willing to perform his obligation and in stead of filing a suit for specific performance, he gave the present complaint to settle the matter before the respondent Police.

4.Per contra, the learned counsel appearing for the intervenor submitted that the learned counsel for the respondent had sought for granting anticipatory bail to the petitioner and contended that from the date of agreement, the de facto complainant was ready, but, due to failure on the part of the petitioner / accused, the



sale deed could not be executed in time and it is further contended that despite receipt of notice from the de facto complainant dated 31.03.2015 the petitioner / accused did not chose to send a reply. It is further submitted that the petitioner / accused sold the property to the third party.

5.The learned counsel appearing for the petitioner undertakes to deposit a sum of Rs.5 lakhs to the credit of Crime No.475 of 2015.

6.Heard the learned Government Advocate (Crl.side) appearing for the respondent Police.

7.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Madurai, and on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required. The petitioner is further directed to deposit a sum of Rs.5 lakhs to credit of Crime No.475 of 2015 on or before 30.10.2015. The learned Judicial Magistrate No.II, Madurai shall deposit the amount in any one of the Nationalized bank in recurring deposit till the disposal of the criminal case. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
30/09/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3.INSPECTOR OF POLICE, CHATHIRAPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.V.MANOCHARAN Advocate SR.No.57916
+1cc to Mr.M.AYYAPPAN, Advocate SR.No.57626

ORDER
IN
CRL OP(MD) No.16128 of 2015
Date :30/09/2015