



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1298 of 2015

1 S. KAANDHA VASAN

2 SUGANYA

..PETITIONERS/ACCUSED 4 & 5

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

DISTRICT CRIME BRANCH, THENI DISTRICT.

CR.NO.2 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIAN Advocate

For Respondent : Mr.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 120 (b) and 506(i) IPC in Crime No.2 of 2015 on the file of the respondent police, seek anticipatory bail.

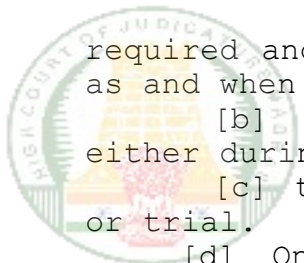
2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. This case has been registered pursuant to the direction of this Court under Section 482 Cr.P.C. The defacto complainant in this case is an Advocate by profession. The case of the defacto complainant is that A2 in this case is the owner of Coir factory located in Kambam, Theni. The defacto complainant wanted to purchase the factory. One Kannan (A1) acted as a broker in this deal. It is the case of the defacto complainant that he had agreed with A2 for purchasing the Coir factory for a total consideration of Rs.28 lakhs and towards that, the defacto complainant also paid Rs.23 lakhs as advance to A1 and A2. One Anand (A3) is the lessee, who is currently running the factory. A sum of Rs.5 lakhs has also been paid to Anand (A3) for terminating the lease and handing over the possession. While so, it is alleged that A2 has sold the factory to Kaandha Vasan (A4) / 1st petitioner herein, who is his own brother and that Suganya (A5) / 2nd petitioner is the wife of Kaandha Vasan.

4. Admittedly, the factory belongs to A2 and it does not belong to the defacto complainant. It is only a breach of agreement and hence, the custodial interrogation of these petitioners may not be necessary in the instant case. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate

<https://hcservicescourts.gov.in/hcservices> further condition that:

[a] the 1st petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when



required and the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
28/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, THENI, THENI DISTRICT.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, THENI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THENI DISTRICT.

+1. CC to M/S.G.KARUPPASAMY PANDIAN Advocate SR.No.3955

ORDER IN

CRL OP(MD) No.1298 of 2015

Date :28/01/2015

PBK 30/01/2015 ::2P-6C: