



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

Thursday, the Eighth day of October Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19407 of 2015

1 D. KARTHIKEYAN
2 K. CHITRA
3 S. AYYANAR
4 A. POONGOTHAI

... PETITIONERS/ ACCUSED NOS. 1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOMBAI POLICE STATION,
UTHAMAPALAYAM TALUK
THENI DISTRICT.

(CRIME NO. 254 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LAJAPATHIROY Advocate

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

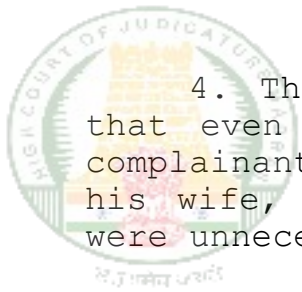
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 294(b), 323, 342 and 506(ii) of I.P.C., in Crime No.254 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant, the first accused had entered into an agreement to sell his property for sale consideration of Rs.20,30,000/- and he also received advance of Rs.11,80,000/- and when the de-facto complainant is ready to pay the balance sale consideration to get a sale deed in his favour, the accused have postponed the sale and, later they trespassed into the property and caused damages and also threatened the de-facto complainant with dire consequences.

3. The learned counsel for the petitioners submitted that the dispute between the accused and the de-facto complainant is purely civil in nature and the suit laid by the de-facto complainant in O.S.No.17 of 2013 before the District Court, Theni for specific performance is still pending and the present complaint is given with an ulterior motive.



4. The learned counsel for the petitioners further submitted that even as per the allegations in the complaint, the de-facto complainant has entered into an agreement with the first accused, his wife, father-in-law and mother-in-law of the first petitioner were unnecessarily roped in this case with an ulterior motive.

5. Heard the learned Government Advocate (Crl.side).

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Bodinayakanoor, Theni District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required and the petitioners 2 and 4 shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
08/10/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, BODINAYAKANOOR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
KOMBAI POLICE STATION, UTHAMAPALAYAM TALUK, THENI DISTRICT.

+1. CC to M/S.T.LAJAPATHIROY Advocate SR.No.59795
ORDER
IN
CRL OP(MD) No.19407 of 2015
Date : 08/10/2015