



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

Thursday, the Twenty Second day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.16656 of 2013

WEB COPY

1 DURAIRAJU (A1)
2 KALAIMATHI (A2)
3 D.MAHALAKSHMI (A3)
4 P.G.MOHAN (A4) ... PETITIONERS/ ACCUSED NO.1 TO 4

SUNDARRAJAN ...INTERVENER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TRICHY DIST,
CR.NO.16/2013 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.ILLANCHEZIAN Advocate
For Respondent : MR.C.RAMESH, Govt. Advocate (Crl. Side)
For Intervener : MR.R.GANDHI, ADVOCATE

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

ORDER : The Court Made the following order :-

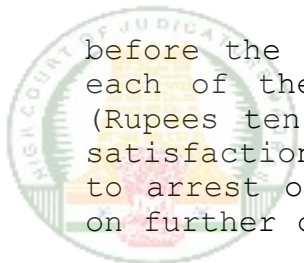
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 499 and 500 IPC in Crime No.16 of 2013 on the file of the respondent police, seek anticipatory bail.

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

3. The case of the prosecution is that the land in question belongs to the Durairaju (A1) / 1st petitioner and Kalaimathi (A2) / 2nd petitioner is the wife of A1. Mahalakshmi (A3) is the daughter of A1. P.G.Mohan (A4) is working as an Assistant under A1. It is seen that A1 had entered into an agreement with the defacto complainant on 23.02.2013, under which A1 had agreed that the defacto complainant could scout for buyers for the said land for commission. In this regard, the defacto complainant paid Rs.10,00,000/- to A1. After obtaining the said sum, it is alleged that A1 has gone back from agreement and started selling lands to various persons.

4. It is seen that the land in question indisputably belongs to A1 and the defacto complainant is only an agreement holder. If there is any breach of agreement, it is open to the defacto complainant to work out his remedy in accordance with law before the Civil Court for damages.

5. 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 No.III, Trichy, 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 concerned and on further condition that:

[a] the petitioners 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/-
22/01/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.III,TRICHY.

2.THE CHIEF JUDICIAL MAGISTRATE,TRICHY.

3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TRICHY DIST,

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

+1. CC to M/S.V.ILLANCHEZIAN Advocate SR.No.3027

+1CC TO MR.R.GANDHI, ADVOCATE SR NO.3235

ORDER
IN
CRL OP(MD) No.16656 of 2013
Date :22/01/2015