



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

Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10861 of 2016

P. MANIKANDAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 670 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.KALAISELVI Advocate

For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)

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

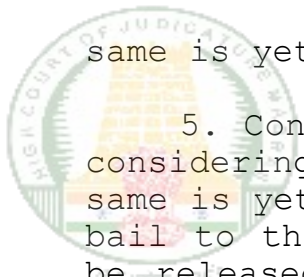
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 406, 420 and 423 of IPC in Crime No.670 of 2014, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner entered into sale agreement with the defacto complainant and received a sum of Rs.1,50,000/- from the defacto complainant. Subsequently, he refused to sell the property and failed to return the advance amount, when the same was demanded by the defacto complainant the petitioner threatened the defacto complainant with dire consequences and abused him in filthy language.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner already settled the amount and prays for granting anticipatory bail to the petitioner.

1. The learned Government Advocate (Crl. Side) submitted that the investigation is completed and the charge sheet is filed and the



same is yet to be taken on file.

5. Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been and the same is yet to be taken on file, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Srivilliputur and on condition that 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 petitioner shall appear before the concerned Court on all future hearing dates without fail.

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

[c] the petitioner 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 petitioner 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/-

05/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S T.KALAISELVI Advocate SR.No.35175

TRP

JM/NGM-MP/SAR-I/12.07.2016/2P-6C

ORDER

IN

CRL OP(MD) No.10861 of 2016

Date :05/07/2016