



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

Thursday, the Sixteenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) Nos.1258 and 7372 of 2016

REGIAS XAVIER

... PETITIONER/ACCUSED NO.3
in Cr1.OP(MD)No.1258/2016

ZAHIR HUSSAIN

... PETITIONER/1st ACCUSED
in Cr1.OP(MD)No.7372/2016

Vs

STATE REB.BY

1 THE INSPECTOR OF POLICE
GANDI MARKET POLICE STATION,
TRICHY DISTRICT.
CRIME NO. 1723 OF 2015

...1st RESPONDENT/COMPLAINANT
(IN BOTH THE CASES)

2 T.M.SAMSUDEEN

(R2 is Impleaded as per the order
of this Honourable Court date 03.03.2016
and made in Cr1.MP(MD)No.1982/16 in
CRL.OP(MD)No.1258/16)

... 2ND RESPONDENT/
DEFACTO COMPLAINANT IN
CRL.OP(MD)NO.1258/2016

For Petitioner : M/S D.ANBARASU Advocate in
Cr1.OP(MD)No.1258/2016

For Petitioner : M/S.C.V.VAKEESWARAN, Advocate in
Cr1.OP(MD)No.7372/2016

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Cr1. Side) for
1st Respondent in both cases

For Second Respondent : M/S.JAMEEL ARASU, Advocate in
Cr1.OP(MD)No.1258/2016

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 417, 419 and 420 of IPC, in Crime No.1723 of 2015, on the file of the respondent police and hence, seek anticipatory bail.



2.The case of the prosecution is that the petitioners are the owner of a property and they agreed to sell the same to the defacto complainant for a total sale consideration of Rs.25,00,000/- and received a sum of Rs.13 lakhs. Subsequently, they did not execute the sale deed. When the defacto complainant demanded the advance amount paid by him, the petitioners threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned counsel for the petitioners submitted that the petitioner in CrI.O.P(MD)No.1258 of 2016 filed earlier petition in CrI.O.P(MD)No.115 of 2016 along with other accused. This Court, by the order dated 06.01.2016 granted anticipatory bail to his father and dismissed the petition against the petitioner.

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

6.Considering the nature of allegations made against the petitioners and contention of the learned counsel for the petitioners that the transaction relates to agreement of sale and for agreeing to sell the property and transaction taken place up to the year 2014 and the custodial interrogation of the petitioners is not necessary, 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 arrest or on their appearance before the learned Judicial Magistrate No.V, Trichy 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 petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
16/06/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, NO.V, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE GANDI MARKET POLICE STATION,
TRICHY DISTRICT.

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

+1. CC to M/S D.ANBARASU Advocate SR.No.30908

+1cc to M/s.C.VAKEESWARAN, Advocate in sR.No.30833

ORDER

IN

CRL OP(MD) Nos.1258 and 7372 of 2016

Date :16/06/2016

SDR/ARK-PV/SAR I/23.06.2016/3P/7C