



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

Thursday, the Twentieth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20136 of 2016

1 P. HARIHARAN
2 P. MANIKANDAMOORTHY
3 M. SUNDARAM ... PETITIONERS / ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE (CRIME),
THALLAKULAM POLICE STATION,
THALLAKULAM
MADURAI,
CR NO. 2116 OF 2016. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.AN.RAMANATHAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 420, 467, 468 and 471 IPC in Crime No.2116 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that there was a sale agreement between the petitioners and the defacto complainant and the petitioners herein, after receiving the advance amount of Rs.7 lakhs, neither executed sale deed nor repaid the amount, which resulted in registration of the case.

4. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

5. Learned Government Advocate (Crl. Side) submitted that it is a civil dispute and that the investigation of the case is pending.



6. Considering the facts and circumstances of the case and also taking note of the fact that the matter pertains to civil dispute, this Court is of the view that custodial interrogation of the petitioners is not necessary. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate No.II, Madurai, subject to the following conditions:**

(i) **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 Magistrate concerned;

(ii) **the petitioners shall report before the respondent police twice a week at 10.30 a.m. i.e., on all Wednesday and Saturdays until further order for interrogation;**

(iii) **the petitioners shall not leave Tamil Nadu without prior permission of the Trial Court;**

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

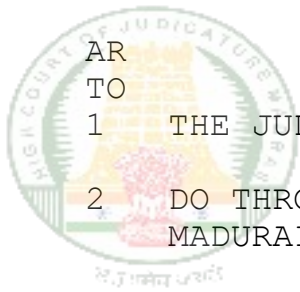
(v) the petitioners shall not abscond either during investigation or trial.

(vi) on breach of any of the aforesaid conditions, the 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 petitioner released on bail by the 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/-
20/10/2016

/ TRUE COPY /

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



AR
TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE (CRIME),
THALLAKULAM POLICE STATION, MADURAI,

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

+1. CC to M/S.AN.RAMANATHAN Advocate SR.No.62602

GJM/CK/SAR-I-7.11.16-2P-6C

ORDER

IN

CRL OP (MD) No.20136 of 2016

Date :20/10/2016