



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

Thursday, the Twenty Fourth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5219 of 2016

1 PON IYYANAR
2 MAREESWARI
3 PONNUSAMY

..PETITIONERS/ACCUSED 1 to 3

Vs.

STATE REP.BY
THE SUB INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 284 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SARAVANAN Advocate

For Respondent : M/s.S.PRABHA, Government 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 in Crime No.284 of 2015, on the file of the respondent police for offences under Sections 406 and 420 IPC, the petitioners are now before this Court seeking Anticipatory Bail.

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

3. It is the case of the defacto complainant that the petitioners are running a real estate business in the name and style of Sri Vetri Alwar Real Estate and they have a scheme, in which, Rs.250/- has to be paid every month and that end of 50th month, the land measuring 2 1/2 cents will be conveyed to the subscribers. It is alleged by the defacto complainant that the amount of Rs.12,500/- (Rs.250/- X 50) was paid, but, the petitioners have not come forward to register the land.

4. The contention of the petitioners is that they are ready and willing to effect registration, provided, the buyer bears registration charges. In support of this plea, the first accused namely Pon Ayyanar filed an affidavit.

5. In the light of the above, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners, but with conditions.

6. Accordingly, the petitioners are ordered to be released on bail, on their receipt 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, Sivagiri, on executing a separate 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 first accused shall appear before the respondent police daily at 6.30 p.m and the second and third accused shall appear 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]**.

[e] The Inspector of Police concerned is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioners are complying with the condition or not.

sd/-

24/03/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE SUB INSPECTOR OF POLICE, PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S R.J.Karthick, Advocate SR.No.16812

ORDER IN

CRL OP(MD) No.5219 of 2016

Date :24/03/2016

PBK/AAL-MPA/AR-I 29/03/2016 ::2P-6C::