



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

Tuesday, the Twelfth day of April Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice G.CHOCKALINGAM

CRL OP(MD) No.6142 of 2016

WEB COPY

1 MADURAI VEERAN
2 DHANAPACKIYAM

... PETITIONERS/ACCUSED No.1 AND 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
[CRIME NO. 155/ 2016]

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.BALAJI Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 506(i) I.P.C and Section 4 of Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No. 155 of 2016 on the file of the respondent police hence, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that the defacto complainant and the petitioners have entered into a sale agreement and the same was a registered sale agreement. Subsequently, the defacto complainant has not executed sale deed. The second petitioner filed a civil suit in O.S.No.110 of 2015 before the District Court, Dindigul and the same is pending. He would further submit that there is only pure civil transaction between the parties and the defacto complainant has given the complaint to evade from execution of sale deed. The petitioners are ready to produce substantial sureties as directed by this Court.

3.Heard the learned Government Advocate (Crl.side) appearing for the State. He would submit that investigation is pending and if the petitioners are released on bail, they will tamper the witnesses and the petition has to be dismissed.

4.On a perusal of records it is seen that the defacto complainant and the petitioners entered into a sale agreement for Rs.32 lakhs and Rs.31 lakhs was already paid to the defacto complainant. Subsequently, there is exchange of legal notice between the parties and subsequently, civil suit was filed by the second petitioner Dhanapackiam against the defacto complainant for specific performance and the same is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5. In view of the above, there are series of documents regarding civil suit and sale agreement and civil suit is pending before the



competent court. Considering all these aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Vendasandur, Dindigul District, and on each of them 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 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation, without fail. If the petitioners are not complied with the condition as stipulated by this Court, the respondent police is directed to move cancellation of anticipatory bail before this Court immediately. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
12/04/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
VEDASANDUR, DINDIGUL DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.BALAJI Advocate SR.No.20382

ORDER
IN
CRL OP(MD) No.6142 of 2016
Date :12/04/2016

PA/JGB-DP/AR I/13.04.2016/2P/6C