



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.10593 of 2017

1 PRASANTH
2 JAYAPRAKASH
3 RAJENDRAN

... PETITIONERS/ ACCUSED NO.1,3 & 4
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICES STATION,
DINDIGUL DISTRICT.
CRIME NO. 158/2017.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.PITCHAIMUTHU Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

For Intervenor : M/S.J.SULTHAN BASHA, Advocate
for M/S.AJMAL ASSOCIATES

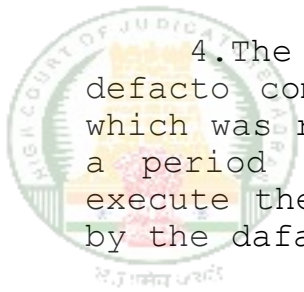
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/ Accused Nos.1, 3 & 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 506(i) IPC , in Crime No.158 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have entered into sale agreement dated 15.09.2012, for purchasing the property, which belongs to the defacto complainant. Thereafter, the sale deed was executed in favour of the petitioners for a sale consideration of Rs.1,15,00,000/-. The petitioners paid only Rs.51,00,000/- to the defacto complainant and the remaining sale consideration was not paid, since there was a litigation pending in respect of the property before the Civil Court. Since the balance sale consideration was not paid to the defacto complainant, thereby, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners paid only Rs.51,00,000/- as sale consideration and the remaining sale consideration was not paid due to the pending of the civil case.



4.The learned counsel for the intervenor would submit that the defacto complainant is ready to pay the amount of Rs.51,00,000/-, which was received as sale consideration from the petitioners within a period of four weeks. After payment, the petitioners shall execute the sale deed executed in favour of the person as requested by the defacto complainant.

5.Both the counsel agreed for the above said compromise.

6.The learned Government Advocate (Criminal side) appearing for the State submitted that there is property dispute between the defacto complainant and the petitioners.

7.Considering the facts and circumstances of the case, I am 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal, Dindigul District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that

(i) the defacto complainant shall repay the sale consideration amount of Rs.51,00,000/- to the petitioners on or before 31.01.2018. On the date of returning the said amount, the petitioners shall execute a sale deed as per the wish of the defacto complainant.

(ii) the petitioners shall report before the investigation officer, as and when required for interrogation on receipt of summon;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
11/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE, KODAIKANAL,
DINDIGUL DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICES STATION, DINDIGUL DISTRICT.

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

+1. CC to M/S.M.PITCHAIMUTHU Advocate SR.No.36125

+1CC TO M/S.AJMAL ASSOCIATES, ADVOCATE, SR NO.36055

ORDER

IN

CRL OP(MD) No.10593 of 2017

Date :11/12/2017

MS/VR/SAR.4/20.12.2017/3P.7C