



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

Wednesday, the Twenty Second day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13842 of 2017

M.K.C.MAHARAJA

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

THE STATE BY REP.
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.
IN CRIME NO.NOT KNOWN OF 2017.

...RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.JEGADEESH PANDIAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.22 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner purchased a property from the defacto complainant in the year 2009, for which the balance sale consideration was not paid to the defacto complainant and thereby, the defacto complainant lodged a complaint against the petitioner before the respondent police in the year 2017 for non payment of balance sale consideration.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would submit that there was an oral agreement between the petitioner and the defacto complainant since the property purchased by the petitioner is encumbered by one of the co-owner of the property. He further submitted that the civil suit is still pending. On clearance of encumbrance, the petitioner is ready to pay the balance sale consideration.

4.The learned Government Advocate (Criminal side) appearing for the State fairly conceded that there was a civil dispute pending



between the petitioner and the defacto complaint in respect of very same property at the instigation of the co-partners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side) that admittedly, the civil suit is pending before the competent forum, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 petitioner shall report before the respondent police, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) the petitioner 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/-
22/11/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO I
MADURAI

<https://hcservices.courts.gov.in/hcservices/>
2 TO THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT



3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, MADURAI DISTRICT.

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

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+1. CC to M/S.M.JEGADEESH PANDIAN Advocate SR.No.34883

ORDER
IN
CRL OP(MD) No.13842 of 2017
Date :22/11/2017

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SH/RR/SAR-4:27.11.2017:3p/6c