



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.14307 of 2017

S.T. GANAPATHY

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CUMBUM TOWN NORTH POLICE STATION,
CUMBUM, THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.J.LAWRANCE Advocate

For Respondent : M/S.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 Sole Accused, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417 and 420 of IPC, in Crime No.633 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 25.11.2016, the petitioner entered into a sale agreement with the defacto complainant after receipt of Rs.2,50,000/- as advance amount, out of the total sale consideration of Rs.31,00,000/-. Since the period was expired on 24.02.2017, a further period of three months was extended to complete the sale transaction. Even though the petitioner demanded the defacto complainant for compliance of the sale agreement, he did not come forward to purchase the property. Thereafter, the defacto complainant requested for another two months time. However, the petitioner sold the said property to one third party and refused to return the advance amount to the defacto complainant. Hence, the defacto complainant filed the present complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that since the contract between the petitioner and the defacto complainant is purely civil in nature, remedy can be obtained only before the competent civil forum and instead of approaching the civil forum, the defacto complainant has filed the criminal complaint and it is not sustainable.



4. The learned Government Advocate (Criminal side) did not dispute the same.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), 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, Uthamapalayam, 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 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 petitioner shall appear before the respondent police daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks and thereafter as and when required for interrogation;
- (ii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) 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/-

04/12/2017

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



TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

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

3. THE INSPECTOR OF POLICE,
CUMBUM TOWN NORTH POLICE STATION,
CUMBUM, THENI DISTRICT.

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

+1. CC to M/S.J.LAWRANCE Advocate SR.No.35491

ORDER

IN

CRL OP(MD) No.14307 of 2017

Date :04/12/2017

MS/CM-VR/SAR.1/07.12.2017/3P.6C