



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16146 of 2017

1 BALACHANDRA VATHANAN
2 BHAKYALAKSHMI

... PETITIONERS/ ACCUSED (RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
CRIME NO.NOT KNOWN OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.K.MANICKAM Advocate

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

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

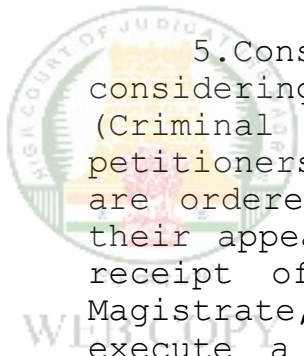
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of I.P.C., in Crime No.487 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the owner of the property. After consideration of Rs.6,00,000/- (Rupees Six Lakhs only), the petitioners leased out the property to the defacto complainant. Thereafter, the petitioners executed a sale deed to the third party. Aggrieved by the same, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that the lease agreement with the defacto complainant does not prohibit to sale the property. In the present case, with the consent of lessor to sale the property in favour of the other persons, after knowing very well about the sale deed is executed in favour of the other person, the defacto complainant lodged a false complaint against the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that he did not dispute the factual aspects made by the learned Counsel for the petitioners.



5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal side), 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, Periyakulam, 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 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 petitioners shall report before the respondent police, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) the petitioners 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 petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
24/11/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.A.K.MANICKAM Advocate SR.No.35078

ORDER IN
CRL OP(MD) No.16146 of 2017
Date :24/11/2017