



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16736 of 2017

1 JOHN BASHEER

2 MOULANA @ ABDUL RAHEEM

... PETITIONERS/ ACCUSED 1 & 5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDUGUL DISTRICT.

(CRIME NO.483 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.D.VENKATESH, Advocate

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

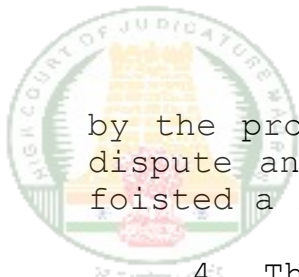
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 452, 294(b) and 506(i) of IPC, and Section 4 of TNPHW Act, in Crime No.483 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the husband of the defacto complainant entered into a sale agreement with the first petitioner for the purchase of the house of the first petitioner to the sale consideration of Rs.10,00,000/-. Accordingly, he paid Rs.5,00,000/- as advance and he agreed to pay the remaining amount of Rs.5,00,000/- at the time of registering the sale deed. Thereafter, the first petitioner refused to register the sale deed in favour of the defacto complainant's husband and due to that there was a wordy quarrel arose between them. The petitioners entered into the house of the defacto complainant and scolded her using filthy language and threatened with dire consequences. Hence, she lodged a complaint against the petitioners. Based on the complaint, the case has been registered for the above said offences against the petitioners.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged



by the prosecution. He further submitted that it is purely a civil dispute and the defacto complainant gives it a criminal colour and foisted a false case against the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the submissions made by both the counsels and further submitted that the investigation is going on.

5. Considering the facts and circumstances of the case and also considering the fact that it is only a civil dispute, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Dindigul, 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 petitioners shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks and thereafter as and when required;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iv) the petitioners shall not commit any offence while on bail;
- (iv) 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/-
06/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
 3. THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDUGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.VENKATESH Advocate SR.No.35662

ORDER
IN
CRL OP(MD) No.16736 of 2017
Date :06/12/2017

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