



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

Friday, the Twentieth day of October Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.23440 of 2016

1 S.RAMESH
2 S.KRISHNAN

... PETITIONERS/ACCUSED No.1&2

Vs

THE INSPECTOR OF POLICE
THILLAINAGAR POLICE STATION,
TRICHY DISTRICT

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.T.BANUMATHY Advocate

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

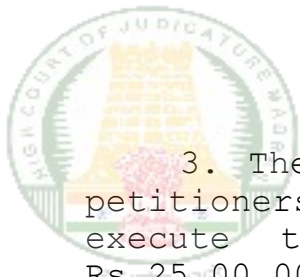
For Intervenor : Mrs.I.MARIA ROSELINE, Advocate

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 & 2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b) & 420 IPC in Crime No.529 of 2016, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner entered into an sale agreement with the defacto complainant for a sale consideration of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) in respect of the disputed property. Initially, the de-facto complainant entered a sale agreement as paid Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the petitioners, for discharging loan from the REPCO Bank. Though the petitioners discharged the loan amount from the REPCO Bank in the year 2012, thereafter, he did not execute sale deed in favour of the de-facto complainant as agreed in the sale agreement. Thereafter, the very same property being made encumbrance without complying the promise made to the de-facto complainant. Aggrieved by the same, the de-facto complainant given a complaint before the respondent police. Accordingly, the respondent police registered the above said criminal case against the petitioner.



3. The learned counsel for the petitioners submitted that the petitioners obtained Rs.15,00,000/- as advance amount in order to execute the sale deed, out of the total consideration of Rs.25,00,000/- with certain conditions. Since the de-facto complainant has not fulfilled the conditions imposed by the petitioners, they were not able to comply the entire sale agreement. However, without prejudice to their right, they are ready to deposit a sum of Rs.15,00,000/- in order to prove their *bonafide*, in the credit of Crime No.529 of 2016 before the Trial Court.

4. The learned counsel for the intervenor/de-facto complainant submitted that the petitioners received Rs.15,00,000/- in the year 2007. Till date, the petitioners did not comply their promises, though they repaid the loan amount in the year 2012. Even thereafter, several encumbrance made to the said property and not complied the sale agreement.

5. The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is still pending.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side) that investigation is still pending, 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 No.IV, Tiruchirappalli 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 are directed to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) without prejudice to their right, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Lower Court shall accept the sureties furnished by the petitioners. Immediately, after depositing of Rs.15,00,000/-, the said amount has to be disbursed to the de-facto complainant and if the petitioners are able to succeed in the Criminal Court, after verdict, de-facto complainant has to deposit the said amount to the credit of Crime No.529 of 2016.

(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;



(v) 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/-
20/10/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
THIRUCHIRAPPALLI
 - 2 -do- thro' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
 - 3 THE INSPECTOR OF POLICE
THILLAINAGAR POLICE STATION, TRICHY DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +1. CC to M/S.J.MARIA ROSELINE, Advocate SR.No.83076

ORDER
IN
CRL OP(MD) No.23440 of 2016
Date :20/10/2017

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