



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.227 of 2018

SHANMUGANATHAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
TUTICORIN DISTRICT
(CRIME NO.387 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.P.M.VISHNUVARTHANAN Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

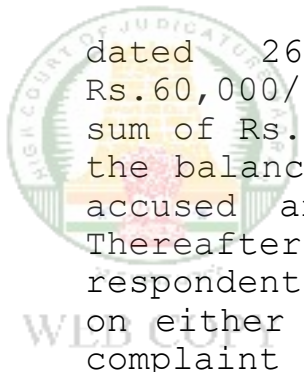
The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 420 and 506(ii) of IPC in Crime No.387 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that in the year 2014, the accused agreed to sell his land, for an amount of Rs.1,50,000/- and accordingly executed an unregistered deed, on 26.05.2014 and the defacto complainant paid a sum of Rs.60,000/- and thereafter Rs.70,000/- to the accused. Subsequently, the balance of Rs.20,000/- was not accepted by the accused and he refused to execute the sale deed. Hence, the defacto complaint filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has no previous case.

4. The learned Government Advocat(Crl.side) submitted that investigation is still pending.

5.The submissions made on either side are considered. The alleged offence happened in the year 2014. On going through the facts of the case, based on the unregistered sale agreement



dated 26.05.2014, the defacto complainant herein paid Rs.60,000/- for purchase of some property. Subsequently, another sum of Rs.70,000/- was paid and when the defacto complainant paid the balance sum of Rs.20,000/-, the same was not accepted by the accused and the accused refused to execute the sale deed. Thereafter, the defacto complainant lodged a complaint and the respondent police registered a case. The entire submission made on either side would disclose that the offence mentioned in the complaint is purely civil in nature.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is 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 Court, Srivaikundam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, 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) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

08/01/2018

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



cp/tm
TO

1 THE JUDICIAL MAGISTRATE, SRIVAİKUNDAM
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.

3 THE INSPECTOR OF POLICE
SRIVAİKUNDAM POLICE STATION, TUTICORIN DISTRICT

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

+1. CC to M/S.P.M.VISHNUVARTHANAN Advocate SR.No.333

GJM/RR/SAR-2-10.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.227 of 2018
Date :08/01/2018