



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

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PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP(MD) No.2784 of 2018**

1 SANTHANAKRISHNAN

2 DHIVYA

... PETITIONERS/ACCUSED No.1 and 2

Vs

THE STATE REP.BY,  
THE SUB INSPECTOR OF POLICE,  
SAMAIYANALLUR POLICE STATION,  
MADURAI DISTRICT.  
IN CR.NO. 429/2016

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.ALAGUSUNDAR, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 420 and 506(i) I.P.C., in Crime No.429 of 2016, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had purchased a property to an extent of 5-1/2 cents, comprised in Survey No.163/1A, situated at Paravai Town Panchayat and he did not visit the said property for the past one year due to his illhealth. In the month of April 2016, when the defacto complainant had visited the said property, then only he came to know that the petitioner had constructed a wall around the said property. When the same was questioned by the defacto complainant, the petitioner threatened the defacto complainant with dire consequences. Hence, a case has been registered for the above said offence.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated in this case, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that the land which was mentioned in the complaint, was purchased by the defacto complainant in the year 1989. Thereafter, in the year 2009, the other accused, who is arrayed as A3 in this case, sold out the property in favour of A1 and A2. Now, the defacto complainant claims that the property which was sold by A3 belongs to him, for which, the suit was filed and the same is pending before the Taluk Munsif Court, Madurai. According to the petitioners, they are the bonafide purchasers. However, in order to complete the investigation, the necessary documents are all available in the form of registered documents. Therefore, custodial interrogation of the petitioners may not be necessary for completing the investigation. Admittedly, the petitioners and the defacto complainant are having the permanent residents in Madurai, thereby, the question of absconding does not arise. Accordingly, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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, Vadipatti, 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 respondent police daily at 10.00 a.m until further orders.

(i)the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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sd/-  
22/02/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT
- 3 THE SUB INSPECTOR OF POLICE  
SAMAIYANALLUR POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.ALAGUSUNDAR Advocate SR.No.3020

ORDER  
IN  
CRL OP(MD) No.2784 of 2018  
Date :22/02/2018

PK/VC/SAR-4/28.02.2018 : 3P/6C