



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

Tuesday, the Twentieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.18894 of 2018

1 T.R. SIVAKUMAR

2 RADHIKA

... PETITIONER/ ACCUSED No.1 & 2

Vs

STATE THROUGH:

THE INSPECTOR OF POLICE

D1 POLICE STATION, TALLAKULAM,

MADURAI.

(CR NO. 2069 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.L.PRABHU Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

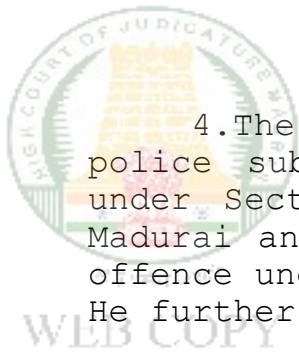
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.2069 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the husband and wife. The defacto complainant had entered into an agreement with the first petitioner who is the land owner. There seems to be some dispute with regard to the payment of money assured by the first petitioner to the defacto complainant. When the amount was in due, the petitioner made a false promise to the defacto complainant that after house warming ceremony, he will settle the balance amount of Rs.6,00,000/-. According to the defacto complainant, the petitioner has not paid the balance amount of Rs.6,00,000/- and occupying his portion and failed to deposit the said payment. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons. He further submitted that the defacto complainant is yet to complete the certain works like compound wall, wooden works and other and the building has not been fully completed. Hence, there was a dispute with regard to the balance payment.



4. The learned Government Advocate (CrI.side) for the respondent police submitted that respondent police had received a petition under Section 156(3) from the learned Judicial Magistrate No.II, Madurai and based on which, the case has been registered, for the offence under Section 406 and 420 IPC, in the Crime No.2069 of 2018. He further submitted that investigation is at preliminary stage.

5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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 as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/11/2018

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
D1 POLICE STATION, TALLAKULAM, MADURAI.

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

+1. CC to MR.L.PRABHU Advocate SR.No.21848

ORDER
IN
CRL OP(MD) No.18894 of 2018
Date :20/11/2018

MSI/PN/SAR-II/26.11.2018-3P/6C