



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

Wednesday, the Nineteenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.16756 of 2018

1 ANANTHARAMAN

2 LALITHA

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
BHOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
(CR NO.204/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 408, 420, 506(ii) of I.P.C, in Crime No.204 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant entered into a sale agreement to purchase the property belonging to the defacto complainant, in which, he received for the total sale consideration of Rs.3,85,000/-. Now, he received only Rs.2,00,000/- as advance. Thereafter, the petitioners did not repay the balance sale consideration and without paying the balance sale consideration, the petitioners had mutated the revenue documents in their favour. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that in respect of the very same property, there is a title dispute, in which, some third party filed a suit in O.S.No.4 of 2018 before the District Munsif Cum Judicial Magistrate, Boothapandy and the said suit is pending. In fact, that the suit in I.A.No.45 of



2018, an order of interim injunction granted as against the defacto complainant. Therefore, he is not in a position to pay the balance sale consideration and the defacto complainant is also not registering the sale deed in his favour.

4. The learned Additional Public Prosecutor for the respondent police submitted that investigation is pending.

5. Taking note of the facts and circumstances, this Court is 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 before the learned Judicial Magistrate, Boothapandy and on their executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
19/09/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.18020

ORDER
IN
CRL OP(MD) No.16756 of 2018
Date :19/09/2018