



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3143 of 2019

1 VELLAISAMY
2 SUBULAKSHMI

... PETITIONER / ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION,
TRICHY.
CRIME NO.5/2019

... RESPONDENT

For Petitioners : M/S.S.BHARATHI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

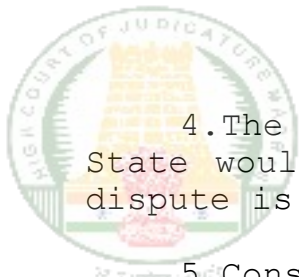
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 420 of IPC, in Cr.No.5 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are the owner of the property. He already entered in a sale agreement with the petitioners for a sale consideration of Rs.40 lakhs. Out of which, Rs.5 lakhs has been paid. Thereafter, the petitioners refused to execute the sale deed in respect of the property belong to them to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. It is purely civil in nature. Without filing civil suit, the defacto complainant has lodged the present criminal complaint. It is non est in the law. Accordingly, he prayed for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is still pending and the dispute is civil in nature.

5.Considering the facts and circumstances of this case and considering the fact that the dispute is purely civil in nature, 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.III, Trichy, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/02/2019

/ TRUE COPY /

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

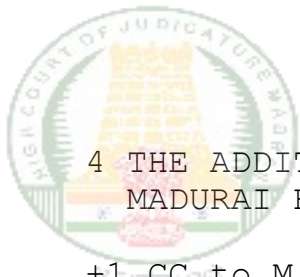
TO

1 THE JUDICIAL MAGISTRATE NO.III,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION, TRICHY.



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

+1 CC to M/s.S.BHARATHI, Advocate (SR-4030[I] dated 28/02/2019)

WEB COPY

ORDER

IN

CRL OP(MD) No.3143 of 2019

Date :28/02/2019

JM/PN/SAR 4/08.03.2019/3P/6C