

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

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3833 of 2019

R.BASKARAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR. K. MAHENDRAN 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 petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 460,506(i) and 420 of IPC in Cr.No.98 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons are owner of the property in Survey No. 118/1 measuring an extent of 3 acres and 30 cents and they entered a sale agreement dated 26.09.2013 and accordingly the defacto complainant paid Rs.10,50,000/- as advance Thereafter the petitioner did not register the sale deed in favour of the defacto complainant, thereby the defacto complainant filed complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the original sale agreement is in the year 2013 as per the defacto complainant the petitioners have not come forward to pay the sale consideration in which is not able to execute sale agreement in favour of the defacto complainant if at all the only remedy available is to approach the civil court.

4.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner and the property belongs to the defacto

complainant

5.Considering the facts and circumstances of the case and also considering the fact agreement is in the year 2013 and there is no proper explanation for not taking steps and considering the fact that the matter appears to be civil in nature , this Court is inclined to grant anticipatory bail to the petitioner. 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, Melur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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]**; and;

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

sd/-

19/03/2019

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

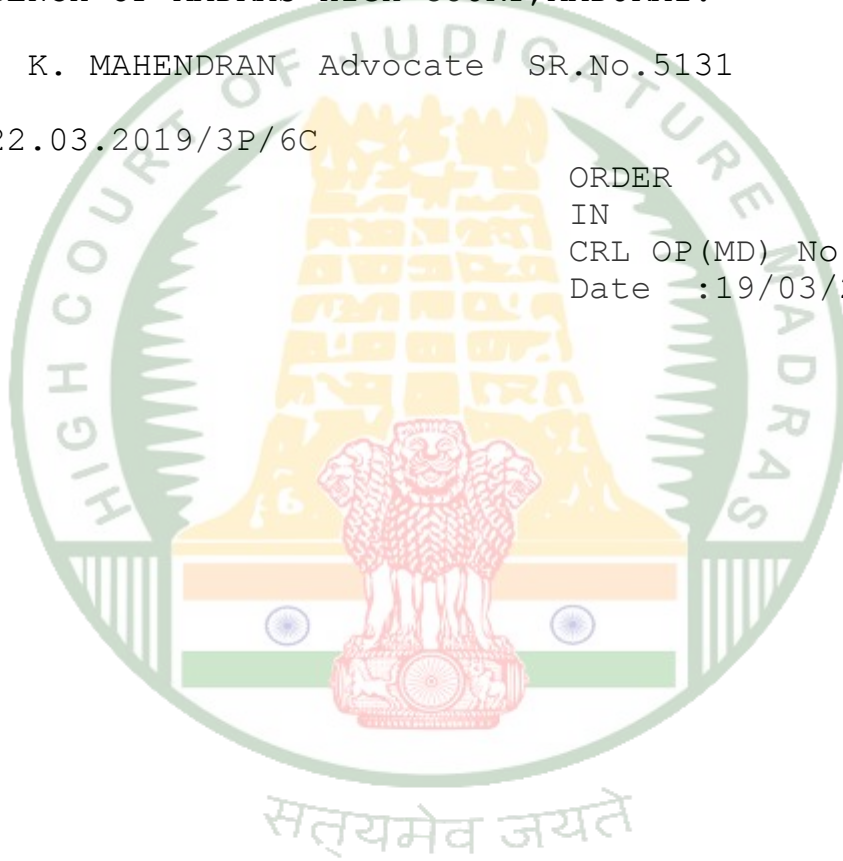
TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr. K. MAHENDRAN Advocate SR.No.5131

PS/JC/SAR-2/22.03.2019/3P/6C

ORDER
IN
CRL OP(MD) No.3833 of 2019
Date :19/03/2019



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