



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4605 of 2019

1 SELVANAYAGI
2 MURUGESAN

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH (CCB),
TRICHY CITY, TRICHY
(CRIME NO.9/2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.A.VIGNESHWAR, Advocate

For Respondent : Mr.A.ROBINSON, Govt. 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 offence under Sections 406 and 420 of IPC in Cr.No.9 of 2019, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners were entered into the sale agreement with the defacto complainant. After that agreement, the petitioners were sold that property to the some third party. Thereby, the agreement holder lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners were borrowed a sum of Rs.7,50,000/- from one S.Manoharan, who is the employee of the defacot complainant. The petitioners have not repaid the amount to the said Manokaran. Hence, the said Manokaran has illegally entered into the petitioners' house and taken away the original sale deed documents and one blank undated cheque. The said Monakaran has misused these documents and lodged a false complaint against the petitioners. Hence, they prayed for granting anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners and the defacto complainant were entered into the sale agreement. However, that sale agreement was not complied by the petitioners. Because, they sold that property to the some third party. Since both were entered into the sale agreement, this case is civil in nature. Hence, the defacto complainant workout his remedy in the manner known to law.

5.Considering the facts and circumstances of the case and allegation appears to civil in nature, this Court is inclined to grant anticipatory bail to the petitioner. 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.V, Trichy on condition that the petitioner 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 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 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]**; and;

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

sd/-

27/03/2019

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TO

1. THE JUDICIAL MAGISTRATE NO.V, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
CITY CRIME BRANCH (CCB), TRICHY CITY, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.4605 of 2019
Date :27/03/2019

MS/VR/SAR-3/02.04.2019/3P.5C