



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6077 of 2019

THIRUPATHISAMY

... PETITIONER / ACCUSED NO.1

Vs

THE STATE THROUGH
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.
(CRIME NO.10 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 471 and 120(b) IPC, in Crime No.10 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant entered into the sale agreement, fixing the sale price of Rs.21,85,500/-. In which, the defacto complainant has been paid the advance amount of Rs.4,00,000/-, to the petitioner. Thereafter, the petitioner has not received the balance amount. The petitioner has not come forward for registering the sale deed in favour of the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the sale agreement itself reveals the fact that the defacto complainant is not in a position to purchase the property. On instructions, he would submit that the petitioner is ready to pay a sum of Rs.2,25,000/- to the defacto complainant without prejudice to his rights and contention.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that since the petitioner has come forward to pay a sum of Rs.2,25,000/-, to the defacto complainant, this



court may pass appropriate orders.

5. Considering the facts and circumstances of this case and since there are no serious allegations against the petitioner, 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 No.I, Madurai, 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:

(i) the petitioner is directed to deposit a sum of Rs.2,25,000/- to the credit in Crime No.10 of 2019, before the learned Judicial Magistrate No.I, Madurai, and after such deposit, the learned Magistrate shall disburse the same to the defacto complainant.

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

(iii) the petitioner shall report before the respondent police as and when required;

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

(v) the petitioner shall not abscond either during investigation or trial;

(vi) 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;

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

sd/-

27/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, MADURAI CITY.

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

+1. CC to MR.L.PRABHU Advocate SR.No.7614

PS/PN/SAR-4/02.05.2019/3P/6C

ORDER

IN

CRL OP (MD) No.6077 of 2019

Date :27/04/2019