



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9685 of 2019

1. Radha
2. C. Paulraj

... Petitioners/
Accused Nos.1 & 3

Vs

The State of Tamilnadu rep. by
The Inspector of Police,
Thuckalayi Police Station,
Kanyakumari District.
Crime No. 354 of 2019).

... Respondent/Complainant

For Petitioner : M/s.C.K.M.Appaji,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

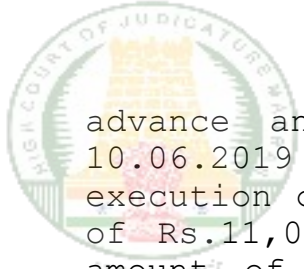
For Anticipatory Bail in crime 354 /2019 on the file of the
Respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Section 420, 294
(b) and 506 (ii) of IPC, in Crime No.354 of 2019, seek anticipatory
bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has
submitted that A2 is the owner of house and in respect of the said
house, he entered into sale agreement with the defacto complainant
on 09.11.2018 for Rs.65,00,000/- and in the pursuance of the said
agreement, the defacto complainant has paid sum of Rs.10,00,000/- as



advance and he has to pay the balance amount on or before 10.06.2019 and after paying the balance amount, he can get the execution of sale deed. The defacto complainant has paid only a sum of Rs.11,00,000/- on various dates and he has not paid the full amount of sale consideration. Since A2 wanted to go abroad, he executed a power of attorney in favour of his wife/A1 (first petitioner) and subsequently, the first petitioner has sent a notice calling upon the defacto complainant to pay the balance amount and get the execution of sale deed. But, the defacto complainant has not come forward to pay the balance amount and on the contrary, he demanded to return the amount. The petitioners refused to return the amount and they insisted the defacto complainant to perform his part of contract. Enraged over the same, the defacto complainant gave a false complaint against the petitioners and hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that after receipt of a sum of Rs.21,00,000/-, the accused persons did not come forward to execute the sale deed and also refused to return the amount and when the same was asked by the defacto complainant, they have criminally intimidated and also abused him and hence, he lodged a complaint. He further submitted that the investigation is in no progress. Hence, he opposed this petition.

5. Admittedly, a sale agreement was entered into between A2 and the defacto complainant in respect of purchase of house which belongs to the accused No.2 for Rs.65,00,000/- on 09.11.2018. In pursuance of the said agreement, the defacto complainant paid sum of Rs.10,00,000/- and as per the said agreement he has to be pay the balance amount on or before 10.06.2019 and after that he can get the execution of sale deed. But, he has paid only Rs.11,00,000/-. In spite of the notice issued by the petitioners, the defacto complainant did not come forward to pay the balance amount and get the execution of sale deed.

6.Taking into consideration the fact that the above facts, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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.I, Padmanabhapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
11/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, NO.I PADMANABHAPURAM
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE, THUCKALAY POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9685 of 2019
Date :11/07/2019

dss

JM-I/VR/SAR-2/23.07.2019/3P-5C

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