



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)Nos.22960 of 2018 AND 1143 of 2019

1 YOGESH REDDY

2 VIJITHA

... PETITIONERS / ACCUSED No. A1,A2
IN CRL OP(MD) No. 22960 of 2018

1 SRINIVALUSALA REDDY

2 INAMUDUGU RAJAGOPAL REDDY

... PETITIONER/ACCUSED No. 3 & 4
IN CRL OP(MD) No. 1143 of 2019

Vs

STATE THROUGH
INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
(IN CRIME NO.14/2018)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETIITONS

For Petitioners : MR.MOHIDEEN BASHA, Advocate
IN BOTH THE PETIITONS

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR
IN BOTH THE PETITIONS

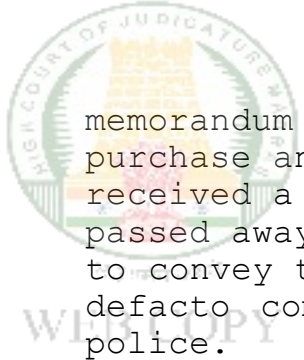
For Intervener : MR.R.J.KARTHICK
IN BOTH THE PETITIONS.

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 punishable under Sections 406, 420 r/w 34 IPC in Crime No.14 of 2018, seek anticipatory bail.

2. The petitioners are respectively the son, wife and relatives of one Sudhakar Reddy, who had entered into various unregistered documents such as sale agreement, development agreement and



memorandum of understanding with the defacto complainant for purchase and development of the land to an extent of 143.83 acre and received a sum of Rs.77,39,800/-. While so, the said Sudhakar Reddy passed away. Despite several requests made, the petitioners refused to convey the land in favour of the defacto complainant. Hence, the defacto complainant has made this complaint before the respondent police.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the first accused has received only Rs.20,00,000/- from the defacto complainant and they did not know how much amount was received by the deceased Sudhakar Reddy. However, on instruction, he would further submit that the petitioners are ready to deposit a sum of Rs.25,00,000/- to the credit of the crime number without prejudice to their right.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that it is a property dispute between the petitioners and the defacto complainant and the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners themselves has come forward to deposit a sum of Rs.25,00,000/-, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Srivilliputhur on condition that the petitioners 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] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only), to the credit of the crime number within a period of one week from the date of receipt of a copy of this order. The defacto complainant is at liberty to withdraw the same by depositing the equivalent value of title deeds before the trial Court.

[c] the first petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the other petitioners shall report before the respondent police as and when required for the purpose of interrogation.



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

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[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

- +2. CC to MR.N.MOHIDEEN BASHA Advocate SR.Nos.2421 & 2422
+2. CC to MR.R.J.KARTHICK Advocate SR.Nos.2445 & 2447

ORDER

IN

CRL OP(MD)Nos.22960 of 2018 &
1143 of 2019

Date :05/02/2019

MSI/PN/SAR-III/08.02.2019-3P/9C