



WEB COPY

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

Date : 13/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10862 of 2019

1.Indra Priya Dharshini
2. Thangeswaran

... Petitioners/Accused Nos. 2 & 3

Vs

State of Tamil Nadu,
Rep.by the Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(Crime No.11 of 2019).

... Respondent/Complainant

Tamil Raj

...Petitioner/Intervener
in Crl.M.P(MD)No.7064 of 2019

For Petitioner : Mr.V.R.G.Mohan
For M/s.G.Rajaguru,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

For Intervener : Mr.R.Anand
for Mr.M.Maharaja
Advocate

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

PRAYER :-

for Anticipatory bail in Crime No.11 of 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 Sections 120(B), 420, 294(b) and 506(i) of IPC in Crime No.11 of 2019, seek anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that as per the prosecution case, A1 entered into a sale agreement with the defacto complainant and received a sum of Rs.34,00,000/- as advance and thereafter, she did not come forward to execute the sale deed. He further submitted that even in the FIR, it is stated that at the time of the said agreement, the first petitioner herein (A2) was minor. He further submitted that the second petitioner (A3) was not a party to the said document, since he is the husband of the first petitioner, he has been falsely implicated in the above case and therefore, he prayed to grant anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervener/defacto complainant has submitted that the first petitioner is the daughter of A1 and she also got benefit from the said agreement. He further submitted that the second petitioner is the husband of the first petitioner and both of them got benefit from the said agreement and hence, he strongly opposed this petition.

5. The learned Additional public Prosecutor appearing for the respondent police has adopted the arguments advanced by the learned counsel for the intervener/defacto complainant and hence, he has also opposed this petition.

6. Taking into consideration of the fact that A1 alone entered into a sale agreement with the defacto complainant and in the said agreement, it is stated that A2 (first petitioner) was minor and for selling her share permission from the court has to be obtained, but it appears that permission has not been obtained from the concerned Court for selling A2's share and also the fact that the second petitioner (A3) is the husband of the first petitioner and he is not a party to the said document and it appears that only after the said alleged agreement, he got married the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

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 Judicial Magistrate Court No.1, Nagercoil, Kanyakumari District, 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/-
13/08/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT

2.-DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT

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

+1 CC to M/s.G.RAJAGURU, Advocate (SR-13534[I]dated 14/08/2019)

ORDER
IN
CRL OP(MD) No.10862 of 2019
Date :13/08/2019