



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7601 of 2020

1. Sivakumar,
2. Ayyappan, ... petitioners/Accused Nos.2 & 3

Vs

State Represented by its
The Inspector of Police,
Karupayoorani Police Station,
Madurai District.

Crime No. 76 of 2020.. ... Respondent/Complainant

For petitioners: Mr.T.A.Ebenezer,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No. 76 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 294(b), 323 and 506(ii) of IPC and Section 4 of TamilNadu Prohibition of Harassment of Women Act, 2002, in Crime No.76 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 and the defacto complainant entered into the sale agreement for purchasing the house and the defacto complainant has also paid a sum of Rs.20,00,000/- to A1. Subsequently, A1 failed to execute a sale deed. In so far as the petitioners are concerned, they have acted as brokers and they have



introduced A1 to the defacto complainant. Thereafter, A1 neither executed the sale deed nor returned the money. Hence, the present complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that already this Court granted anticipatory bail to A1 in Crl.O.P.(MD). No.6026 of 2020, dated 11.06.2020. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that A1 was said to have entered into the sale agreement with the defacto complainant for purchasing the house and the defacto complainant has also paid Rs.20,00,000/- to A1. Thereafter, A1 neither executed the sale deed nor returned the money. Hence, the crime has been registered against the petitioners.

6. This is the second application. Considering the facts and circumstances of the case and considering the fact that A1 was already granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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:

(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KARUPAYOORANI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-5804[I] dated 23/07/2020)

ORDER
IN
CRL OP(MD) No.7601 of 2020
Date : 23/07/2020

vsg
AE/PN/SAR-II (27.07.2020) 3P 6C