



WEB COPY

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

Date : 20/08/2020

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

**CRL OP(MD) . No.8557 of 2020**

1.Shanthi,  
2.Selvaraj,  
3.Sharmila,  
4.Saranya,  
5.Karthick,

... Petitioners/Accused Nos.3 to 7

Vs

State rep.by  
The Inspector of Police,  
District Crime Branch,  
Madurai District,  
In Crime No.25 of 2020.

... Respondent/Complainant

For Petitioners : Mr.V. Balaji,  
Advocate.

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

For Intervenor : Mr.Thambidurai, Advocate

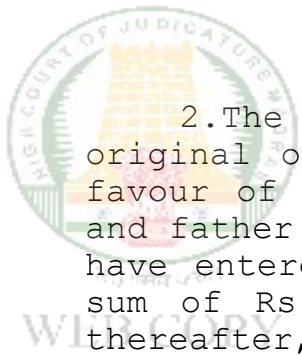
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.25 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 to A7, apprehending arrest at the hands of the respondent police for the offence punishable under sections 120(b), 406, 420, 294(b), 506(i) of IPC, in Crime No.25 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that A1 and A2 are the original owner of the property and they executed a power deed in favour of one Chandrarajan (deceased), who none other than husband and father of the A1 and A2. Earlier the defacto complainant said to have entered into a sale agreement with A1 and A2 and also paid a sum of Rs.30,00,000/-, as advance, to the said Chandrarajan and thereafter, he has spent nearly Rs.17,00,000/- to convert the property into plots. It is the further admitted case of the defacto complainant that in respect of the advance and expenditure amount, the said Chandrarajan has assured that he will give 36 cents in favour of the defacto complainant. Subsequently, the defacto complainant sold 70 cents to 3<sup>rd</sup> parties and paid Rs.42,20,000/- to the said Chandrarajan. Further the said Chandrarajan demanded full amount from the defacto complainant, but the defacto complainant has not able to pay the amount. Thereafter, A3 and the defacto complainant entered into an unregistered agreement, by which, the defacto complainant has agreed to sell the properties and to pay a sum of Rs.70,00,000/- along with interest in favour of A3 and A4. Even in the FIR it is stated that the defacto complainant only paid a sum of Rs.24,00,000/- to A3 and A4. He has yet to be paid Rs.46,00,000/-. Since he did not pay any principal or interest A3 executed the sale deed in favour of the other petitioners. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the alleged offence is not made out against the petitioners.

4.It is submitted by the learned Government Advocate (Crl.side) that the dispute between the parties is civil in nature.

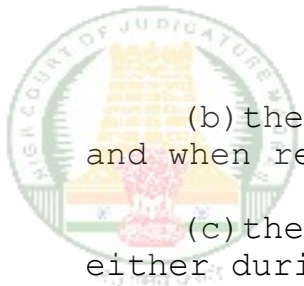
5.On perusal of the petition it is seen that there is a civil dispute. Admittedly, out of total amount of Rs.70,00,000/-, the defacto complainant paid Rs.24,00,000/- to the first petitioner herein and remaining a sum of Rs.46,00,000/- is yet to be paid.

6.Considering the facts and circumstances of the case that it is only a civil dispute, but has been given criminal colour by the de-facto complainant, 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 on their appearance before the learned Judicial Magistrate No.I, Madurai District, and on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties each for a like sum 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

<https://hdservices.mca.gov.in/hdservices/> 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 petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
20/08/2020

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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.I, MADURAI.
2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.8557 of 2020  
Date :20/08/2020

vsd

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