



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

Date : 17/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9603 of 2020

1.Parasuraman
2.Rajalakshmi
3.Krishnamoorthy
4.R.Raja

... Petitioners/Accused
Nos. 1 to 4

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
District Police Office,
Karur District.
Crime No.11/2020

... Respondent/Complainant

For Petitioners : M/s.D.S.Haroon Rasheed,
Advocate.

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

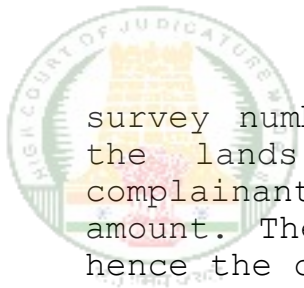
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.11 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 to A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 120(b), 506(i) of I.P.C., in Crime No.11 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are arrayed as A-1 to A-4. The allegation is that the petitioners are owners of the property in various survey numbers which are located in Cinthalavadi Village at Karur District. Earlier, the petitioners intended to sell the properties in favour of the defacto complainant to an extent of 19 acres 89 cents and also received advance amount for a sum of Rs.25 lakhs. Thereafter, the defacto complainant has found that the lands are not suitable for doing business and the two



survey numbers were classified as Government water bodies. Since the lands are not suitable for doing business the defacto complainant asked the petitioners to refund the aforesaid advance amount. The petitioners said to have refused to refund the money, hence the complaint.

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3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioners would submit that the petitioners have entered a sale agreement with defacto complainant in respect of 19 acres 89 cents. He would further submit that the defacto complainant after knowing the fact that the two survey numbers were classified as drainage channel agreed to purchase the land. Later he demanded the petitioners to reduce the sale consideration of the land and the same was refused by the petitioners, hence, the present complaint has been filed.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that the petitioners said to have entered into a sale agreement with the defacto complainant for selling lands and received advance amount. He further submitted that some of the survey numbers were classified in revenue records as Government water bodies, alleging that petitioners have cheated him the present complaint was filed.

6. It is seen from the records that there is a sale agreement between the parties to an extent of 19 acres 89 cents in various survey numbers and the petitioners also received advance amount of Rs.25 lakhs. According to the defacto complainant, since some of the survey numbers are classified as Drainage channel, he is not willing to purchase the land. In view of the submission of the learned counsel appearing for the petitioners that these two survey numbers and very small extent and Patta was also transferred in the name of the petitioners. The defacto complainant fully aware of those facts has entered a sale agreement, now, he demanded the petitioners to sell the land for lesser price and which was refused by the petitioners, the present complaint has been filed. Now, the petitioners are ready and willing to execute a sale deed in favour of the defacto complainant as per the sale agreement.

7. Considering the above facts and Considering the fact that it is civil dispute between the parties relating to a sale agreement, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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.I, Kulithalai, on condition that

<https://hdcres.courtsofmadras.gov.in/services/> shall execute 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 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/-
17/09/2020

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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, KULITHALAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/>



3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DISTRICT POLICE OFFICE,
KARUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.9603 of 2020
Date :17/09/2020

KSA
TK/PN/SAR.2/23.09.2020/4P/5C