



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

Date : 14/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11313 of 2020

T.M.S.Pari

... Petitioner/1st Accused

Vs

1.The Inspector of Police,
District Crime Branch, Karur.
(Crime No.1 of 2020).

... 1st Respondent/ Complainant

2. R.Nagarajan

... 2nd Respondent/ Defacto Complainnat

For Petitioner : Mr.N.Sudhagar Nagaraj, 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 Crime No.1 of 2020 on the file of the Respondent Police.

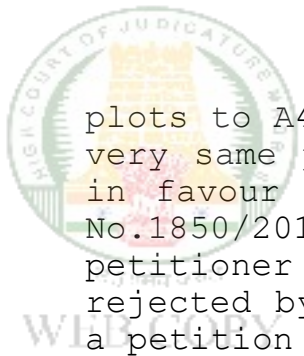
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 420 and 506(i) of IPC, in Crime No.1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has executed a sale deed in favour of A4, to an extent of 0.73 cents, vide Document No.2314/ 2013, dated 23.12.2013. Once again the petitioner has sold the above said property to the defacto complainant, vide Document No.1850/2014, dated 17.11.2014. Based on the complaint lodged by the defacto complainant, the crime has been registered against the petitioner.

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

4.The learned counsel appearing for the petitioner submitted that after selling out the property, the petitioner sold out the



plots to A4. Thereafter, entire lay out has been modified and on the very same plot, the petitioner has inadvertently sold out the same in favour of the defacto complainant on 17.11.2014, vide Document No.1850/2014. After came to understand the above said fact, the petitioner and A4 have filed a cancellation deed and the same was rejected by the Sub Registrar. Thereafter, the petitioner has filed a petition before this Court in W.P.(MD).No.3313 of 2020, challenged the order of the rejection and it is pending. Hence, he prayed for grant of anticipatory bail to the petitioner.

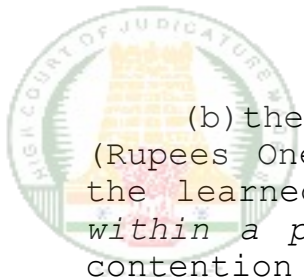
5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that after laying out the property, the petitioner sold out the plots in favour of A4 in the year 2013, subsequently, on the very same property, the petitioner has sold out in favour of the defacto complainant in the year 2014 for sale consideration of Rs.99,000/-.

6.On perusal of the materials available on records, it is seen that totally there are six accused in this case, in which, the petitioner arraigned as A1. It is also seen that the petitioner is the owner of the said property and sold out the same in favour of A4 in the year 2013, subsequently, on the very same property was sold out by him to the defacto complainant in the year 2014. After came to know the above said fact, the petitioner and A4 have filed a cancellation deed and the same was rejected by the Sub Registrar. Thereafter, the petitioner has filed a petition before this Court in W.P.(MD).No.3313 of 2020, challenged the order of the rejection and it is pending.

7.Considering the facts and circumstances of the case and also considering the fact that there is a civil dispute between the petitioner and the defacto complainant and there is no specific overt act attributed against the petitioner. However, now, the petitioner come forward to deposit the entire amount, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kulithalai, Karur District, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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



(b)the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime No.1 of 2020 before the learned Judicial Magistrate No.II, Kulithalai, Karur District, *within a period of two weeks* without prejudice to his rights and contention before the trial Court.

(c)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

(g)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/10/2020

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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.II, KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, KARUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.SUDHAGAR NAGARAJ Advocate SR.No.20136

ORDER IN

CRL OP(MD) No.11313 of 2020

Date :14/10/2020

MS/SMA/SAR-4/22.10.2020/3P.6C

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