



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

Date : 04/12/2020

PRESENT

WEB COPY

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

CRL OP(MD).No.14035 of 2020

1.Vijayan
2.Pooncholai

... Petitioners/Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
Vilakkuthoon Police Station,
Vilakkuthoon, Madurai - 625 001.
(Crime No.170 of 2020)

... Respondent/Complainant

For Petitioners: Mr.Antony S Prabakar,
Advocate.

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

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

PRAYER :-

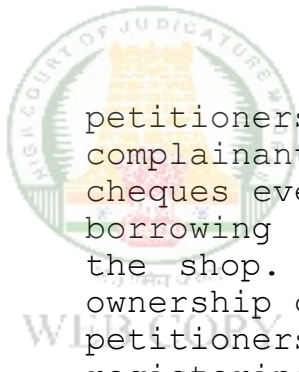
For Anticipatory Bail in Crime No.170 of 2020 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(b), 406, 420, 506(i) IPC, in Crime No.170 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have approached the defacto complainant and told him that they are willing to lease their own shop, situated at Madurai North Chithirai Street for a sum of Rs.25,00,000/-. They also undertake to hand over the original documents of three shops and cheques. On believing the words of the accused persons, the defacto complainant paid a sum of Rs.21,50,000/- on various installments by cash. Thereafter, the petitioners have refused to execute any lease deed in his favour and also refused to return back the amount. Hence, the case has been registered.

3.The learned counsel for the petitioners submitted that the defacto complainant is well known to the petitioners and the



petitioners borrowed a sum of Rs.1,00,000/- from the defacto complainant in their business and they have also handed over two cheques even till today promptly paying the interest. At the time of borrowing loan, the petitioners have handed over the documents of the shop. Now the defacto complainant threatened to transfer the ownership of the said shop in his favour with dire consequences. The petitioners have also lodged a complaint and it is pending without registering of FIR. He further submitted that after registering FIR in this case, the petitioners were called for enquiry and they are appearing for enquiry. Now the respondent also threatened to execute a lease deed in favour of the defacto complainant and as such he seek grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the respondent police would submit that the petitioners are induced the defacto complainant and received a sum of Rs.21,50,000/- for leasing their shops. After receipt of the amount they failed to execute the lease deed in his favour.

5.There are totally two accused, in which the petitioners are arrayed as A1 and A2, who are the husband and wife. According to the defacto complainant, he paid a sum of Rs.21,50,000/- for leasing the shop owned by the petitioners herein. It is also seen that no proof of evidence produced for payment of Rs.21,50,000/- to the petitioners. The said amount also paid by cash. Further the complaint lodged by the petitioners is pending.

6.Considering the facts and circumstances of the case, this Court is 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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:

(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 first petitioner shall report before the respondent police daily at 10.00 a.m for a period of four weeks and thereafter as and when required for interrogation and the second petitioner 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/-

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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- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VILAKKUTHOON POLICE STATION,
VILAKKUTHOON, MADURAI-625 001.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14035 of 2020

Date :04/12/2020

VSD

<https://hccs.eco.in/SdR/In/Services/1.12.2020/3P/5C>