



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2020

PRESENT

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

CRL OP(MD) . No.15370 of 2020

N.S.Seeni Jahufar

... Petitioner/Accused No.1

Vs

The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
In Crime No. 10 of 2019.

... Respondent/Complainant

For Petitioner : Mr.J.M.Hassanul Bazari,
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. 10 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are five accused in this case. The petitioner, who is arrayed as Accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under section 420 of IPC, in Crime No.10 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that all the accused are claimed to be the owner of the property and offering to sell the land to the defacto complainant. Earlier, A1 and A2 received a sum of Rs.10,00,000/- from the defacto complainant. Thereafter, the petitioner said to have received a sum of Rs.3,00,000/- and other accused received a sum of Rs.5,00,000/- from the defacto complainant. Thereafter, they failed to execute the sale agreement. Hence, the present complaint.



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 the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to family dispute, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

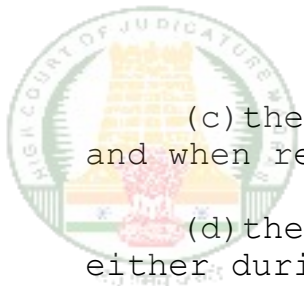
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that all the accused are claimed to be the owner of the property and offering to sell the land to the defacto complainant. Earlier A1 and A2 received a sum of Rs.10,00,000/- from the defacto complainant. Thereafter, the petitioner said to have received a sum of Rs.3,00,000/- and other accused received a sum of Rs.5,00,000/- from the defacto complainant. Thereafter, they failed to execute the sale agreement. Hence, the crime has been registered. He further submitted that all the accused are absconding.

6. Considering the facts and circumstances of the case and also considering the rival submission on either side and on perusal of the materials available on records, it is seen that there is a civil dispute between the petitioners and the defacto complainant and in the year 2019, the money has been received by the petitioners along with other accused persons with regard to sell the property. Considering the above circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate Court No.II, Ramanathapuram 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 identity;

(b) The petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.10 of 2019, before the Judicial Magistrate Court No.II, Ramanathapuram, within a period of two weeks without prejudice to his rights and contentions before



(c)the petitioner shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/12/2020

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

+1. CC to M/S. J.M HASSANUL BAZARI. Advocate SR.No.8405

ORDER IN
CRL OP(MD) No.15370 of 2020
Date :21/12/2020

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<https://hcsjudiciary.gov.in/CaseServices/606/01/2021>) 3P / 6C