

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3115 of 2021

1 S.AMINA BEGAM
2 SAMSUDEEN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM - 605 602.
CR.NO.3 OF 2021.

[RESPONDENT]

For Petitioner : M/S. J.AGNI SELVARAJU Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420 and 294(b) of IPC , on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had sold the house property to the petitioners in the year 2018. Towards sale consideration, he received a sum of Rs.23,00,000/- . The second petitioner claims that there is water channel going nearby his house and hence, he cannot retain the house. Towards the same, the petitioners agreed the defacto complainant to pay Rs.8,00,000/- in cash and had given three months time to the defacto complainant to repay the balance sale consideration of Rs.15,00,000/- But it is alleged that the petitioners after receiving the amount, refused to execute the sale deed and did not give the advance amount to the complainant. Therefore, the defacto complainant gave a complaint to the respondent police for further action and the same was registered as Cr.No.3 of 2021.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the dispute between the petitioner and the defacto complainant is purely civil in nature. Hence they pray for grant of anticipatory bail to the petitioners.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking into consideration the fact that the matter in issue relates to repayment of certain amount which was paid towards sale consideration and the whole issue being in the nature of civil transaction, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I Villupuram District on condition that each of 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

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

-sd/-
08/04/2021

This order, on being produced, be punctually observed and carried
into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VILLUPURAM - 605 602.

+1 CC to M/S. J.AGNI SELVARAJU Advocate on payment of necessary
charges SR.No.4648

CRL OP.3115/2021

Date :08/04/2021

cs 16/04/2021