



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.15620 of 2021

B.THIRUSELVAM

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT , RANIPET.
CRIME.NO.499 of 2021

[RESPONDENT]

For Petitioner : M/S S.NAMASIVAYAM Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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 under Sections 294(b), 420 and 506(i) of IPC in Crime No.499 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 sold the property the property in favour of the defacto complainant for the extent of 4000 sq. ft for sale consideration of Rs.18,62,000/- However, there was a dispute with regard to the measurement of the land between the petitioner and the defaco complainant. Thereafter, the defacto complainant came to know that he was paid excess amount to the petitioner and other accused persons, which was not returned to him. Based on the complaint, the respondent police registered a case against the petitioner and other accused person.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and there was a dispute between them, a false case has been foisted against the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate submitted that before filing an FIR, the suit is pending between the parties with regard to the identification and measurement of the property.

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5. It appears that there is a dispute with regard to the property between the petitioner and the defacto complainant and with regard to the same, the suit is pending between them in OS.No.40 & 41 of 2021. The trial Court has also appointed an Advocate Commissioner to identify the property. Considering the fact that the case is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Arcot, 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 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.

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-sd/-
31/08/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARCOT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, RANIPET.

+2 CC to M/S S.NAMASIVAYAM Advocate on payment of necessary charges SR.NO.9468

CRL OP.15620/2021

Date :31/08/2021

INBA 13/09/2021