



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.19357,19358 and 19359 of 2021

1 VIJAYALAKSHMI  
2 KARPAGAVALLI

[ PETITIONERS / ACCUSED IN  
CRL.O.P.No.19357/2021]

RANGANATHAN

[ PETITIONER / ACCUSED IN  
CRL.O.P.No.19358/2021]

1 MURUGAN  
2 ELAVARASAN  
3 GOKUL

[ PETITIONERS / ACCUSED IN  
CRL.O.P.No.19359/2021]

Vs

STATE BY  
THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
DHARMAPURI, DHARMAPURI DISTRICT.  
CR.NO.12 OF 2021.

[ RESPONDENT IN ALL THE  
PETITIONS]

For Petitioner : M/S. M.R.JOTHIMANIAN Advocate  
[IN CRL.OP.NOS.19357,19359]

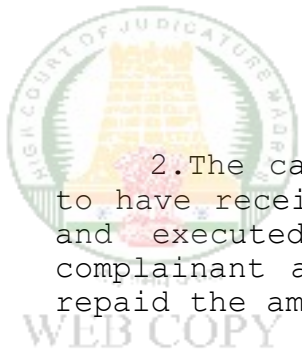
For Petitioner : M/S.S.SASIKUMAR Advocate  
[IN CRL.OP.NO.19358]

For Respondent : M/S. C.E.PRATAP, Govt. Advocate ( Crl. Side)  
[IN ALL THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 417, 419 and 420 of I.P.C. in Cr.No.12 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that A1 in the case is alleged to have received a sum of Rs.16,50,000/- from the defacto complainant and executed a compulsory sale deed in favour of the defacto complainant and thereafter, has neither handed over the property nor repaid the amount.

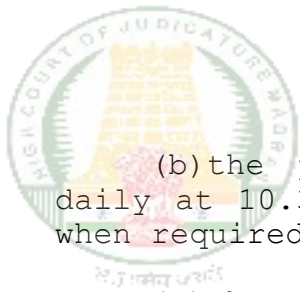
3.The learned counsel appearing for the petitioners would submit that for the very same issue, the defacto complainant has filed O.S.No.62 of 2015 before the learned Additional District Judge, Dharmapuri, seeking to declare her as the absolute owner of the suit property by virtue of the sale deed and for directing the defendants therein/ petitioners in Crl.O.P.Nos.19357 and 19359 of 2021 to deliver possession of the property and the same is pending. The learned counsel further submitted that during the pendency of the civil suit, after nearly six years, the defacto complainant initially lodged complaint before the law enforcing agency and after enquiry the same was closed, however, the defacto complainant approached the learned Judicial Magistrate (i/c), Additional Mahila Court, Dharmapuri by filing petition under Section 156(3) of Cr.P.C. and based on the direction issued by the learned Judicial Magistrate (i/c), Additional Mahila Court, Dharmapuri, the case came to be registered. He further submitted that while civil suit is pending, lodging criminal complaint for the very same issue is not sustainable.

4.The learned Government Advocate submitted that the first petitioner in Crl.O.P.No.19359 of 2021 is A1 and the other petitioners/ accused are his relatives and further submitted that investigation is still pending.

5.The issue in the present complaint appears to be civil in nature and already a civil suit in O.S.No.62 of 2015 is pending inbetween the parties before the learned Additional District Judge, Dharmapuri. Hence, 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.II, Dharmapuri, Dharmapuri District, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



(b) the petitioners 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;

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

-sd/-  
27/10/2021

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.II,  
DHARMAPURI, DHARMAPURI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
DHARMAPURI, DHARMAPURI DISTRICT.



4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S. M.R.JOTHIMANIAN Advocate on payment of necessary charges SR.No.12100,12101

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges SR.No.12099

CRL OP.NOS.19357,19358,19359/2021

Date :27/10/2021

APN 29/10/2021