



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21717 of 2021

1.Palaniyappan
2.Pavayi

... Petitioners

Versus

The State represented by
The Inspector of Police,
Eriyur Police Station,
Dharmapuri District.
(Crime No.314 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.314 of 2021, on the file of the Inspector of Police, Eriyur Police Station, Dharmapuri District.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 294(b), 506(ii) and 420 of IPC, in Crime No.314 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.11.2021 the defacto complainant have entered into a sale agreement with the 1st petitioner for purchase of land on 09.09.2021 by paying a sum of Rs.5,50,000/- out of total sale consideration of Rs.55,00,000/- and a period for performance of a contract was fixed for 4 months. While so on 07.11.2021 the defacto complainant went to see the location of the property there was a wordy quarrel took place among themselves and the 1st petitioner abused them in saying no such sale agreement was entered with her. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the 1st petitioner entered into sale agreement when the defacto complainant received Rs.5,50,000/- as advance and sold the property and the investigation is still pending. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, there was a dispute between the parties with regard to civil nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 Judicial Magistrate Court, Pennagaram**, on condition that the petitioners 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 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 appear before the respondent police every Wednesday at 10.30 a.m until further orders;

(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.

WEB COPY

-sd/-
19/11/2021

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,
PENNAGARAM, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.NO.13092

CRL OP.21717/2021

Date :19/11/2021

TA-24/11/2021