



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.646 of 2021

Arunachalam

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.1263 of 2020

... Respondent/Complainant

For Petitioner : M/s.A.Banumathy,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

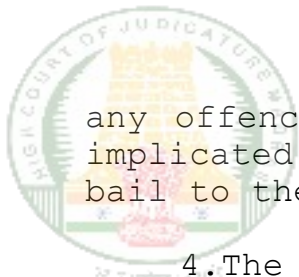
PRAYER :- For Anticipatory Bail in Crime No.1263 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.1263 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner purchased the buildings bearing D.Nos.1/389-f-2 and 1389-f-3 situated at N.G.O. Colony, Sivakasi from the defacto complainant and for sale consideration the petitioner issued 6 cheques for an amount of Rs.5,00,000/- each in favour of the defacto complainant's husband Anantharaj and when the above said cheques were presented for encashment, the was dishonored and the petitioner cheated the defacto complainant's husband. Hence, the present complaint.

3.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 and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation is pending.

5.It is seen that the defacto complainant is the owner of the property, in which the petitioner was a tenant and running a pharmacy there. Thereafter, the petitioner purchased the property from the defacto complainant through sale deed No.3564 of 2020 registered by the Sub-Registrar, Sivakasi on 29.08.2020. Sale consideration of Rs.30 Lakhs have been paid. The cheque was handed over to the defacto complainant as security, which was taken advantage and filed the present false case.

6.It is also seen that the petitioner purchased the property through registered sale deed. The defacto complainant filed 138 N.I., case for cheque dishonored in C.C.No.166 of 2020, which is pending before the Judicial Magistrate, Aruppukkottai. Further, a civil proceedings in O.S.No.12 of 2021 is also pending before the Principal District Munsif, Srivilliputhur. It is seen that the defacto complainant is not in the possession of the property.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 learned Judicial Magistrate No.II, Sivakasi, 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 petitioners 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 shall appear 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



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

sd/-

09/03/2021

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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, SIVAKASI.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUTHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.646 of 2021

Date : 09/03/2021

GNS

AE/JC/SAR-II (12/03/2021) 3P / 5C