



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.1953 of 2021

1.Deva Shanthakumari

2.Jeyasuthan

... Petitioners/Accused No.1 & 2

Vs

State Rep. by  
The Inspector of Police,  
Tenkasi Police Station,  
Tenkasi District.  
Crime No.19/2021.

... Respondent/Complainant

For Petitioners : Mr.Jeyakumaran.J,  
Advocate.

For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl. Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 19/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) and 420 of I.P.C., in Crime No.19 of 2021, seek anticipatory bail.

2.It is seen from the submissions that there was a sale agreement between the defacto complainant and the first petitioner / first accused on 28.02.2018, whereby, it was agreed that the property concerned in the sale agreement was to be sold for consideration of 51,37, 280/-, on that date, the defacto complainant paid Rs.5,00,000/-to the first petitioner / first accused and the sale has to be executed on or before 25.04.2018. The defacto complainant demanded the petitioners to execute a sale after getting balance consideration. However, the petitioners have not come  
<https://hcservices.mca.gov.in/hcservices/> to execute the balance consideration on execute the sale.



Later, it was known that the petitioners had sold the property to one Varadharaja and on 09.09.2018, the accused threatened the defacto complainant. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and this is a purely civil dispute and a false case has been registered after three years from the date of the alleged occurrence and therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (criminal side) opposed this petition on the ground that the petitioners had received Rs.5,00,000/- and they did not repay the amount.

5.It is true that the first petitioner even as per the admitted case, received Rs.5,00,000/- as advance from the defacto complainant, in pursuance of the sale agreement dated 28.02.2018. The sale agreement was not fructified into the sale. It appears there was some dispute between the parties and the property was sold to third party, viz., Varadharaj, on 21.08.2018. Apparently this is a case of civil dispute and the parties have to approach only Civil Court for enforcing the terms of sale agreement. As rightly pointed out by the learned counsel for the petitioners that a civil dispute has been converted as a criminal case. Therefore, this Court is of the considered view that the petitioners are to be granted anticipatory bail with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Tenkasi, 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 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 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/-

16/06/2021

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/ /2021

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, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,  
TENKASI POLICE STATION,  
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1953 of 2021

Date : 16/06/2021

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JM/JC/SAR I/21.06.2021/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>