



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date 05/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2471 of 2021

M.Karnamaharaja

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Appanthirupathy Police Station,
Madurai District.
Crime No.23 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2021 on the file of the Respondent Police.

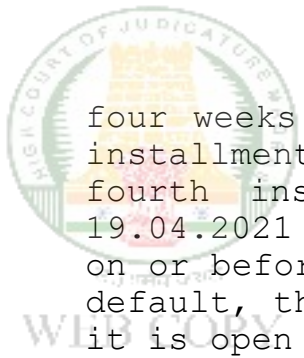
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 of I.P.C., in Crime No.23 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner was dealing in real-estate business. The defacto complainant had approached the petitioner to purchase the land. The defacto complainant paid a sum of Rs.4 Lakhs for the same. The petitioner neither executed sale deed nor returned the amount. Hence, the present complaint.

4.The learned counsel for the petitioner on instructions states that the petitioner admits the receipt of the amount and undertakes to repay the amount of Rs.4 lakhs. Due prevailing situation, the petitioner could not pay the same in single payment. Hence, he seeks



four weeks to pay the same by way of four installments. The first installment will commence on 22.03.2021 and the second, third and fourth installment will commence on 29.03.2021, 05.04.2021 and 19.04.2021 respectively. In any event, the payment to be completed on or before 30.04.2021 by the petitioner. If the petitioner commits default, the order now passed will stand withdrawn automatically and it is open to the respondent to take action as per law.

5. Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of six weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Madurai, 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 petitioner 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 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.

sd/-
05/03/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE No.V, MADURAI.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3.THE SUB INSPECTOR OF POLICE,
APPANTHIRUPATHY POLICE STATION,
MADURAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.M.LAW OFFICE Advocate SR.No.9326(F)

ORDER
IN
CRL OP(MD) No.2471 of 2021
Date :05/03/2021

IAS
TK/PN/SAR.1/08.03.2021/3P/6C