



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.3131 of 2021

Gunasekaran

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
in Crime No.98 of 2019.

... Respondent/Complainant

For Petitioner : Mr.K.Rajesh,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in crime No.98 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406,506(i) and 420 of IPC seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused persons are owner of the property in Survey No. 118/1 measuring an extent of 3 acres and 30 cents and they entered a sale agreement dated 26.09.2013 and accordingly the defacto complainant paid Rs.10,50,000/- as advance Thereafter the petitioner did not register the sale deed in favour of the defacto complainant, thereby the defacto complainant filed complaint before the respondent police.

3. The learned counsel appearing for the petitioner would submit that the original sale agreement is in the year 2013 as per the defacto complainant the petitioner has not come forward to pay



the sale consideration in which is not able to execute sale agreement in favour of the defacto complainant if at all the only remedy available is to approach the civil court. He would also submit that co-accused in this case was granted anticipatory bail by this Court on 19.03.2019 in Crl.O.P(MD) No.3833 of 2019.

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4. The learned Government Advocate(Crl.Side) would submit that property belongs to the defacto complainant and the co-accused in this case was granted anticipatory bail by this Court on 19.03.2019 in Crl.O.P(MD) No.3833 of 2019

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the co-accused in this case was granted anticipatory bail by this Court, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District 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/-

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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.

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TO

1. THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STAION, MADUAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3131 of 2021
Date : 05/03/2021

AAV

AE/SMA/SAR-II (10/03/2021) 3P / 5C