



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17.08.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.3382 of 2021

1.Kokila
2.Jeganathan
3.Selveen Raj @ K.N.Selvin Raj ... Petitioners/Accused 1 to 3

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch Police Station,
Virudhunagar District.
Crime No.1 of 2021. ... Respondent/Complainant

For Petitioners : MR.G.THALAIMUTHARASU, Advocate.
For Respondent : MR.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

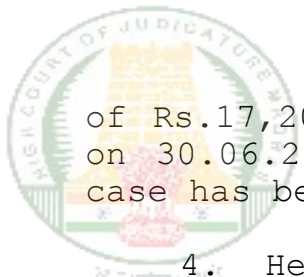
PRAYER :-For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120B, 406, 420, 465, 467, 468 and 471 of IPC in Crime No.1 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant owns a land in Solaicherry Village, Rajapalayam Taluk, Virudhunagar District to an extent of 34 acres and 54 cents. The first petitioner purchased 21 acres and 33 cents for a sale consideration of Rs.17,20,000/- on 30.06.2020. The said amount was paid through RTGS and Demand Draft, dated 28.05.2020, CITI Bank, Gurugram Branch, Haryana was issued for a sum of Rs.1,36,31,200/-. The property was registered vide sale deed in Doc.No.1570/2020 on the file of the Sub Registrar, Sethur. Thereafter, the defacto complainant came to know that the Demand Draft issued by the first petitioner is a counterfeit Demand Draft. Hence, the complaint.

3. The learned counsel for the petitioners submits that the Services to the public has purchased the property under sale consideration



of Rs.17,20,000/- and has also transferred the amount through RTGS on 30.06.2020 on the same day of registration. However, a false case has been foisted at the instance of the defacto complainant.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. A perusal of the sale deed shows that the sale consideration was fixed only at Rs.17,20,000/-, for which, the first petitioner has transferred the amount through RTGS. Considering the above fact, this Court is inclined to grant Anticipatory Bail to the petitioners. Accordingly, this petition is allowed.

6. The petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Viruthunagar 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required, until further orders.

[c]the petitioners shall not tamper with the 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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/08/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.G.THALAIMUTHARASU, Advocate(SR-5486[I] dated 18/08/2021)

ORDER
IN
CRL OP(MD) No.3382 of 2021
Date :17/08/2021

MBI
MK/PN/SAR.IV/23.08.2021/3P/6C