



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17.08.2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD)No.5573 of 2021**

1.Lingavel

2.Selvarani

... Petitioners/Accused no.3 and 4

Vs

The State represented by  
The Inspector of Police,  
District Crime Branch,  
Thoothukudi,  
Thoothukudi District.  
Cr.No.12 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Jegadeeswaran,  
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.12 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 406, 420, 120-B IPC in Crime No.12 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein are parents of the first accused. The first accused and the second accused are land brokers and they had approached the defacto complainant for selling the house for a sum of Rs.28 Lakhs and also entered into a sale agreement. Believing the words of the accused persons, the defacto complainant parted with a sum of Rs.28 Lakhs. Thereafter, the second accused died and the first accused cheated the defacto complainant. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents. He further submitted that the petitioners are only parents of the first accused and they never participated in the business of the first accused.

4.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondent police.

5.Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 learned Judicial Magistrate No.IV, Thoothukudi, 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 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.

[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

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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 NO.IV,  
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH, THOOTHUKUDI,  
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.5573 of 2021  
Date :17/08/2021

SS/PN/SAR-IV/23.08.2021 : 3P/5C