



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

Date : 20/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6611 of 2021

1. Sundararajan
2. Panchakalyani
3. Balamurali
4. Arunachalam

... Petitioners/Accused 1 to 4

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.21/2021.

... Respondent/Complainant

For Petitioners: Mr.T.Balakrishnan,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.21 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 offences punishable under Sections 417 and 420 of IPC in Crime No.21 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the de-facto complainant entered into a sale agreement with the first petitioner herein for purchase of land to an extent of 2.68 acres situated at Paramakudi and paid a sum of Rs.91,00,000/-. After the receipt of money, the petitioners refused to execute the sale deed. Hence, the complaint.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been



falsely implicated in the present case and hence, they seek anticipatory bail.

5.The learned Government Advocate (criminal side) strongly opposed this petition on the ground that the investigation is pending.

6.On perusal of the records, it is seen that it is purely a case of civil dispute. Earlier, the petitioners filed a direction petition before this Court in Crl.O.P.(MD)No.2443 of 2021, wherein, it has been clearly observed that it is purely a case of civil dispute. But later, the First Information Report came to be registered on the basis of the direction given by the learned Judicial Magistrate No.II, Ramnad under Section 156(3) of Cr.P.C. However, from the perusal of the First Information Report and the documents annexed with this petition, it is seen that there was an earlier agreement between the parties and subsequent sale agreement was also entered into between them.

7.Considering the facts and circumstances of the case and the fact that it is purely a case of civil dispute, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.II, Ramanathapuram and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] each with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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 appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/05/2021

/ 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,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.6611 of 2021

Date : 20/05/2021

SJI/OGY

MS/PN/SAR-3/25.05.2021/3P.5C