



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 22/07/2021

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PRESENT

**The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP**

**CRL OP(MD) . No.9748 of 2021**

1.N.Varatharajan

2.Vr. Malini

... Petitioners/Accused No.1 and 2

Vs

The State Represented by  
The Inspector of Police,  
District Crime Branch,  
Trichy District.  
(Crime No.9 of 2021).

... Respondent/Complainant

For Petitioner : Mr.D.Balamurugapandi,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

**PRAYER :-**

For Anticipatory Bail in Crime No.9 of 2021 on the file of the Respondent Police

**ORDER :** The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 406, 420 and 506(ii) of IPC, in Crime No.9 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the husband and wife. The first petitioner is the building constructor and he is running a Lavanya Properties Developments for promoting land and buildings of his vicinity. The first petitioner cheated the de-facto complainant by swindling a sum of Rs.15 lakhs for executing the sale agreement of his property. When the de-facto



complainant asked the petitioners to execute the sale agreement, the petitioners either executed the sale agreement of the property nor returned the money. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the de-facto complainant had paid a sum of Rs.15,00,000/- to the first petitioner in the year 2013 for purchase of plot. Subsequently, the petitioners herein had not allotted the plot to the defacto complainant. Therefore, there was a dispute. Pending dispute, the petitioner told that he is ready to offer a plot to the defacto complainant, but that was also not granted. Therefore, he was forced to prefer a complaint.

5.The learned counsel for the petitioners submitted that A-1 had repaid the amount to the defacto complainant and there had been conversation between them and the same was recorded in CD. The said CD was also filed before this court. In the meanwhile, the first petitioner had filed W.P.(MD)No.11952 of 2021 before this Court seeking police protection and the same is pending.

6.From the facts submitted by the learned counsel for the petitioners and the learned Additional Public Prosecutor, it is purely a civil dispute over a period of years. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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.I, Trichy, Trichy District 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 condition 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 Aadhar card or Bank pass Book to ensure their identity.

**[b]**the petitioners shall report before the respondent police daily at 10.30 am., 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]**.

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

sd/-

22/07/2021

/ 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.I,  
TRICHY.

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH, TRICHY DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1.CC to Mr.D.BALAMURUGAPANDI,Advocate SR.No.4799 dated 23/07/2021.

ORDER

IN

CRL OP(MD) No.9748 of 2021

Date :22/07/2021

SS/SRS/SAR-III/26.07.2021 : 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>