



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10054 of 2021

Saravanan

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Thathaiyanganar Pet Police Station,
Trichy District.
(Crime No.272 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.Maheswaran,Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

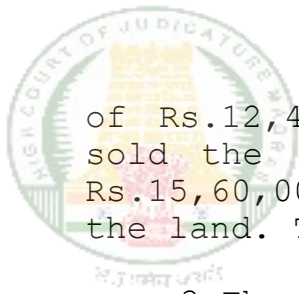
PRAYER :-

For Anticipatory Bail in Crime No.272 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 506(i) IPC and Section 3 of the Tamilnadu Prohibition of Charging Exorbitant Interest Act, 2003 in Crime No.272 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.4,00,000/- from the first accused and for the security purpose, she has also executed a registered sale deed in favour of the first accused in the year 2017. The first accused sold the land in favour of the petitioner herein on 22.02.2019. Thereafter, the defacto complainant gave a sum of Rs.2,00,000/- to the petitioner herein. However, the accused persons demanded a sum



of Rs.12,40,000/- and also threatened him. The petitioner herein sold the land to the third accused for a sale consideration of Rs.15,60,000/- and he threatened the defacto complainant to vacate the land. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there was some money transaction between the parties, due to which, the petitioner and other accused threatened the defacto complainant. He further submitted that the investigation is yet to be completed.

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

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Thuraiyur, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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]**.



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

sd/-
16/08/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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 COURT
THURAIYUR
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
THATHAIYANGAR PET POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10054 of 2021
Date :16/08/2021

PKP/JM/SAR-3/19/08/2021/3P/5C