



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13485 of 2021

and

CrI.M.P(MD) .No.7580 of 2021

M.Nagamuni

... Petitioner/Accused
(Rank Not Known)

Vs

State of Tamilnadu rep through
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
Crime No.333 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Karthikeyavenkitachalapaty,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (CrI.Side)

For Intervenor : Mr.M.Solai samy, Advocate

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

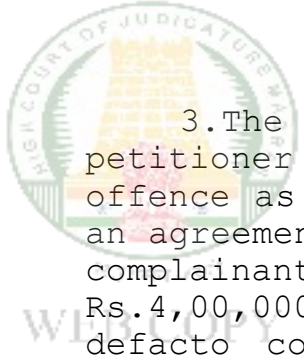
PRAYER :-

For Anticipatory bail in Crime No.333 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police, for the offence under Sections 406, 420 and 465 of IPC, in Crime No.333 known of 2021, has filed this application for anticipatory bail.

2.The case of the prosecution is that the petitioner has received a sum of Rs.4,00,000/- from the defacto complainant as a sale price. When the Defacto complainant insisted for execution of a sale deed, the petitioner refused the same and cheated the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that an agreement was entered into between the petitioner and the defacto complainant that the defacto complainant would pay a sum of Rs.4,00,000/- as sale price, on or before 04.05.2021. But the defacto complainant failed to honour the agreement and in this regard, the petitioner has sent a legal notice to the defacto complainant. Now, a false case has been lodged by the defacto complainant as against him.

4.The learned Additional Public Prosecutor would submit that the petitioner has received a sum of Rs.4,00,000/- from the defacto complainant as a sale price. When the Defacto complainant insisted for execution of a sale deed, the petitioner refused the same and cheated the defacto complainant

5.Considering the facts and circumstances of the case and the nature of allegation levelled against this 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 learned Judicial Magistrate Court, Rajapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

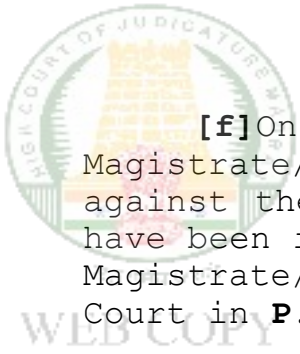
[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioner to draw a Demand Draft for a sum of Rs.4,00,000/-(Rupees Four Lakhs Only) in the name of the defacto complainant and hand over the same to the respondent police within a period of 15 days from the date of receipt of copy of this order and thereafter, the respondent police shall hand over the Demand Draft to the defacto complainant, after due verification.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.



[f] 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]**.

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

Consequently, the connected miscellaneous petition is closed.

Sd/-
01/10/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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,
RAJAPALAYAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-6877[I] dated 04/10/2021)

ORDER
IN
CRL OP(MD) No.13485 of 2021
Date : 01/10/2021