



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.10.2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14542 of 2021

S.Visvanathan ... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch, Dindigul District.
In Crime No.28 of 2021 ... Respondent/Complainant

For Petitioner : Mr.C.Mayilavahana Rajendran,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor.

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

PRAYER :-For Anticipatory Bail in Crime No.28 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 417, 418, 420, 423 and 506(i) IPC, in Crime No.28 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was doing wood based business. A1 and A2 are having land at Santhai Road, Mettupatti, Dindigul and the de-facto complainant entered into rental agreement with A1 and A2 and they received a sum of Rs.10,00,000/-. It is alleged that the rental agreements are unregistered and A1 and A2 informed the de-facto complainant that the rental agreements could not be registered as the petitioner was in possession of the original sale deed. It is alleged that the petitioner has also informed the de-facto complainant that he would hand over the original deed. Believing the words of the petitioner, the de-facto complainant entered into the rental agreements and gave Rs.10,00,000/- to A1 and A2. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the dispute only between A1 and A2 and the de-facto complainant, he is

<https://hcmr.cemts.gov.in/hcmr/cases>



4.The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed this petition on the ground that investigation is yet to be completed.

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

6.Accordingly, this Criminal Original Petition is allowed. 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 No.II, Dindigul, 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2021

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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.

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

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

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

ORDER

IN

CRL OP(MD) No.14542 of 2021

Date :07/10/2021

KMM

MK/SKN/SAR.II/21.10.2021/3P/5C