



WEB COPY

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

Date : 01/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18844 of 2021

Kailasam

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Crime No.37 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Sundhareshwar V B, Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

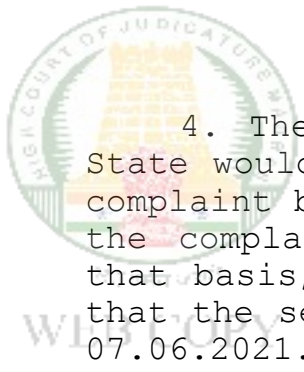
For Anticipatory Bail in Crime No.37 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(ii) I.P.C., in Cr.No.37 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there existed disputes with regard to the selling of property and due to which, the accused abused the defacto complainant with filthy language and threatened with dire consequences. Hence, the present complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, he seeks anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the State would submit that the defacto complainant has filed a private complaint before the learned Judicial Magistrate No.II, Dindigul and the complaint was forwarded under Section 156(3) Cr.P.C., and on that basis, F.I.R., came to be registered. He would further submit that the second accused viz., R.Ramesh was already reported dead on 07.06.2021.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials placed on record.

6. As rightly pointed out by the learned Counsel for the petitioner, in the sale deed dated 12.10.2020, the sale price was mentioned as Rs.91,000/- and the same was shown to be received by the seller on the date of sale itself. But the complaint was lodged as if the accused agreed to pay the sale price of Rs.28,00,000/- and they have paid Rs.8,00,000/- as advance and they have agreed to pay the balance amount of Rs.20,00,000/- within three months and that since they have not paid the amount, they were forced to file the above complaint.

7. A perusal of the F.I.R., would reveal that there existed a civil dispute between the parties, but the defacto complainant by filing the above complaint is attempting to convert the civil dispute into criminal dispute. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
01/12/2021

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

SSL

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

+1. CC to M/S.SUNDHARESHWAR V B Advocate SR.No.37288

ORDER
IN
CRL OP (MD) No.18844 of 2021
Date : 01/12/2021