



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

Date : 02/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19039 of 2021

1. Ramesh Kumar
2. Bharathidasan

... Petitioners/Accused No.5 & 6

Vs

The State rep.by,
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.121/2021)

... Respondent/Complainant

For Petitioner : Mr.B.FAZILKIRMANI,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.121 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.5 and 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 468 I.P.C., in Cr.No.121 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute between the parties, the present complaint has been lodged.

3. The learned counsel for the petitioners would submit that the first accused has filed a suit for specific performance for the agreement dated 16.12.2016 alleged to have been executed by the defacto complainant and the same was taken on file in O.S.No.293 of 2020, on the file of the Principal Subordinate Court, Kumbakonam. He would further submit that after receiving summons from the Court, the defacto complainant has lodged the above complaint, as if she had not executed the alleged agreement and that she had been



4. The learned Counsel for the petitioner would further submit that the first petitioner is the typist and the second petitioner is the document writer of the alleged sale agreement. Hence, he seeks anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor appearing for the State would submit that there is a civil dispute between the parties and the investigation is going on.

6. Considering the fact that there existed civil dispute between the defacto complainant and the first accused and also the fact that the petitioners are the typist and document writer of the said document and that the petitioners are not having any bad antecedents, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Papanasam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 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 10.30a.m., for period of one month and thereafter as and when required for interrogation.

(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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/12/2021

/ TRUE COPY /

/ /2021

WEB COPY

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,
PAPANASAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19039 of 2021
Date :02/12/2021

SSL
MK/VR/SAR.II/07.12.2021/3P/5C