



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.143 of 2022

1.Muthuvel
2.Udhayakumar

... Petitioners

Vs.

The State Represented by,
Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
Crime No.357 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of arrest in Connection with the Crime No.357 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.S.Sasikumar

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 420, 506(I) IPC, in Crime No.357 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is the father and A2 is the son. It is alleged that they executed a sale deed in favour of the defacto complainant vide DoC. Nos. 2748 of 2017 and 4362 of 2017 within the extent of 7.1 acres at Ozhunthiyampattu Village within the jurisdiction of Sub-Registrar, Vanur. It is alleged that at the time execution, the mother and the daughter of the petitioners have not signed in the said sale deeds. When the defacto complainant approached the 1st petitioner for the execution of consent deed from his mother and daughter, the petitioner refused to do the same and they demanded further amount from him. It is further alleged that they threatened the defacto complainant with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioner.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case and further the mother and the daughter were present at the time of purchase of the property. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to her rights, is ready to deposit the amount of Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of the Crime Number 357 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners with any conditions.

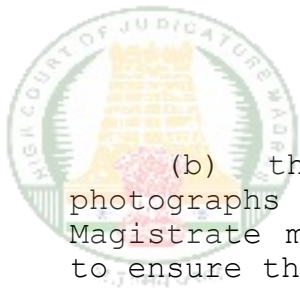
4. The learned Additional Public Prosecutor submits that the investigation almost completed and he further submits that the alleged occurrence is said to be happened in the year 2017. However, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the First Information Report.

6. Taking into consideration the facts and submissions of the learned Counsels and also considering that the dispute with regard to the purchase of the property in the year 2017, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif Cum Judicial Magistrate, Vanur, Villupuram 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each to the credit of Crime Number 357 of 2021 within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier before the Learned District Munsif Cum Judicial Magistrate, Vanur, Villupuram. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the the amount of Rs.50,000/- each was deposited by the petitioners to the credit of Crime Number 357 of 2021 within a period of two weeks failing which, the petition for anticipatory bail shall stand dismissed .



(b) 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.

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(c) the petitioners shall appear before the respondent police on every Monday and Saturday at 10.30.a.m., until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioners 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 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].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANUR,
VILLUPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM (FOR INFORMATION)

3 INSPECTOR OF POLICE,
KILIYANUR POLICE STATION,
VILLUPURAM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
Sr.993

CRL OP.143/2022

Date :21/01/2022

RVR 28/01/2022