



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.337 of 2022

Nachimuthu

... Petitioner

Vs.

State by,
The Inspector of Police,
Cheyur Police Station,
Tiruppur District.
(Crime No.621 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail, in the event of his arrest by the respondent police in the case pending investigation in Crime No.621 of 2021, on the file of the respondent police.

For Petitioner : Mr.S.Vinoth Kumar

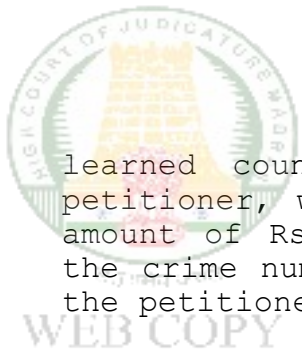
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 306 of I.P.C, in Crime No.621 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the property. It is alleged that in the year 2017, the defacto complainant executed a register sale deed in favour of the petitioner for the sale consideration of Rs.11,16,000/-. While so, in the year 2020, the petitioner executed the sale deed in favour of some other third parties. Due to the said act of the petitioner, the defacto complainant's wife suffered severe mental agony and thereby she consumed consumed poison and lost her life.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The



learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor vehemently opposed for grant of anticipatory bail to the petitioner stating that the due to the said act of the petitioner, the deceased lost her life leaving behind her 9 year old daughter.

5.Considering the facts and circumstances of the case that there is dispute between parties with regard to execution of sale deed and also considering that the petitioner is 67 years old and he is ready to deposit the said amount, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6. Accordingly, the petitioner is 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 Judicial Magistrate Court, Avinashi 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 and on further condition that:

(a) the petitioner shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakh Only) to the credit of Crime No.621 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 Judicial Magistrate Court, Avinashi On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.7,00,000/- deposited by the petitioner to the credit of Crime No.621 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police as and when required for interrogation.



(d) the petitioner shall not tamper with 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]; and;

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

-sd/-

10/01/2022

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 JUDICIAL MAGISTRATE,
AVINASHI, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CHEYUR POLICE STATION,
TIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.VINOTH KUMAR Advocate on payment of necessary charges SR.NO.612

CRL OP.337/2022

Date :10/01/2022

RW 20/01/2022