



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.942 of 2022

1. V. Saratha

2. Baskar

3. M.Varatharajan ... Petitioners/Accused Nos 1 to 3

Vs

The State represented by
The Inspector of Police,
City Crime Branch,
Trichy City,
in Crime No.25/2021.

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
417, 420 294(b) and 506(i) of IPC, in Crime No.25 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners
approached the de-facto complainant and proposed to sell their house
site property of an extent of 7100 sq.ft and also ensured that no
such encumbrance was found in respect of their property. Accordingly
the de-fato complainant also agreed for the said proposal of the
petitioners and the sale agreement was executed in favour of one
Lawrence by fixing a rate of 2,250/- per.sq.ft and received a sum of
Rs.20 lakhs as advance on various dates from the de-facto
complainant. After the execution of sale agreement and receiving of
advance amount, the de-facto complainant came to know that the
petitioners already sold 560sq.ft. in favour of one Sheik Dawood,
out of 7100 sq.ft. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the first petitioner is the owner of the property admeasuring 7100sq.ft of land in Ward AF Block-4, T.S.No.14, Airport, Wireless Road, Trichy District, that the first petitioner has entered into a sale agreement with the de-facto complainant and received an advance amount of Rs.20 lakhs, that subsequently, the de-facto complainant came to know about the sale of 560sq.ft of land to one Sheik Dawood, that after coming to know about the same, the de-facto complainant purchased the said extent of land from the said Sheik Dawood, that subsequently, there arose some misunderstanding between the parties, that the de-facto complainant has also filed a suit for recovery of the advance amount in O.S.No.411 of 2021 and the same is pending on the file of the learned District Judge, Trichirapalli and that the de-facto complainant has simultaneously filed the above complaint, falsely implicating the petitioners.

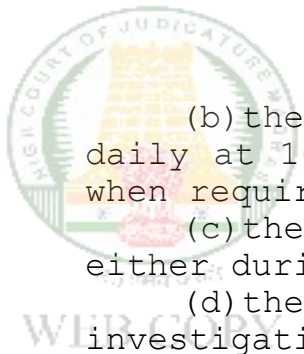
4.The learned counsel for the petitioner would submit that the petitioners have produced the copy of the affidavit and injunction petition in O.S.No.411 of 2022 filed by the de-facto complainant, wherein, he has specifically stated that the first petitioner herein is the absolute owner of the suit property and also the receipt of the payment of Rs.20 lakhs as advance amount and subsequent disputes arose between the parties.

5.The learned Government Advocate(Crl.Side) would submit that the investigation is pending and that the petitioners are not having bad antecedents.

6.Considering the facts that there existed civil dispute between the parties, that the de-facto complainant has already filed a civil suit for recovery of amount and the same is pending before the District Judge, Tiruchirappalli and also the fact 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 No.I, Trichy City, 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 conditions 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



(b)the petitioners shall report before the respondent police daily at 10.30 am for a 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

SJI

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

ORDER

IN

CRL OP(MD) No.942 of 2022

Date :21/03/2022

SS/JM/SAR:III/01.04.2022 : 3P/5C