



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4947 of 2022

1. Chellakani,

2. Panchavarnam,

3. Ramesh,

4. Santhi,

... Petitioners/Accused Nos.1 to 4

Vs

THE STATE REP BY,
The Sub Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No. 16 of 2022).

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu ,Advocate.

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

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

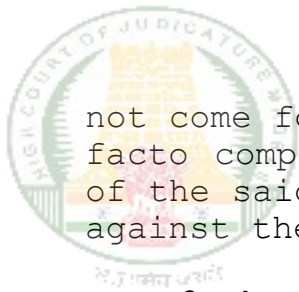
PRAYER :-

For Anticipatory Bail in Crime No.16 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 406, 420, 467, 468 IPC r/w 34 IPC, in Crime No.16 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant has approached the petitioners to purchase a land, that the petitioners informed that the lands in S.No.179/1 and 180/5B are ready for sale, that the de-facto complainant had agreed to purchase the land and paid a sum of Rs.7,00,000/- as advance and the remaining amount of Rs.13,02,400/- has to be paid on or before 25.05.2022. The complainant has agreed to sell the land, but the sale should be completed, but the petitioners have



not come forward to execute a sale deed and that thereafter, the de-facto complainant came to know that some other person is the owner of the said land. Therefore, the present case came to be registered against the petitioners herein.

3.The learned counsel for the petitioners would submit that the property in dispute was originally belonging to Achaya Mohan, Periya Sethuraj Nayackar, and Chinna Sethuraj Nayackar, that both of them have entered into an agreement with Seenivasagan to sell the property, that subsequently, the said Seenivasagan has entered into a partnership deed, with the first accused to find out the purchasers for the property, that in pursuance of the same, A1 has entered into a sale agreement with the de-facto complainant and received a sum of Rs.7,00,000/- and that the said amount has been paid by the first accused to the said Seenivasagan. He would further submit that since there arose some dispute regarding the execution of the sale deed, the de-facto complainant has lodged the above complaint falsely implicating the petitioners.

4.Admittedly, second petitioner is the mother, third petitioner is the brother and fourth petitioner is the sister of the first petitioner/A1. After filing of the above petition, the first petitioner was arrested on 11.03.2022 and he is in judicial custody. The petitioners have also produced the copies of the partnership deed and the sale agreements.

5.The learned Government Advocate(Crl.Side) would submit that the first petitioner was arrested on 11.03.2022 and he is in judicial custody and that the petitioners 2 to 4 are not having any previous case.

6.Since the first petitioner was arrested and he is in judicial custody, this petition is dismissed as against the first petitioner is concerned.

7.Considering the above facts and circumstances and also the facts that there existed civil dispute between the parties, that the main accused was already arrested and that the petitioners 2 to 4 are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

8.Accordingly, the petitioners 2 to 4 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 Court, Rajapalayam, on condition that the petitioners 2 to 4 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



(a)the petitioners 2 to 4 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 2 to 4 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 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/ petitioners 2 to 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/04/2022

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/ /2022

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,
RAJAPALAYAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE SUB INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE, STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-3251[I] dated 12/04/2022)

ORDER

IN

CRL OP(MD) No.4947 of 2022

Date :11/04/2022

PKP/SVR/SAR-4/20.04.2022/4P/6C