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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6948 of 2022

Srividhya

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur.
(Crime No.5/2022).

... Respondent/Complainant

For Petitioner : M/s.Vadivel.P., Advocate.

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

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

PRAYER :-

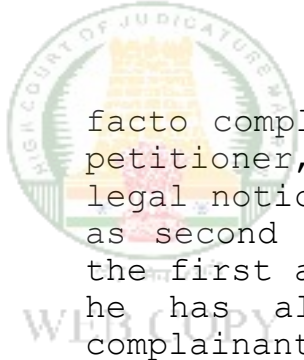
For Anticipatory Bail in Crime No.5 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 506(i) IPC, in Cr.No.5 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused grabbed the de-facto complainant's property, abused him in filthy language and A1 also refused to return the money or to execute the sale deed. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the first accused has purchased the property in dispute from the de-



facto complainant and on coming to know about the same, the present petitioner, who is claiming ownership to the property, has sent a legal notice and that thereafter, the petitioner was also implicated as second accused in the said case. He would further submit that the first accused was already arrested and released on bail and that he has already paid a sum of Rs.6,00,000/- to the de-facto complainant. He would further submit that the first accused has filed a civil suit in O.S.No.124 of 2021 and the same is pending on the file of the District Munsif Court, Thiruvaiyaru.

4.The learned Government Advocate (Crl. side) would submit that A1 has already paid a sum of Rs.6,00,000/- to the de-facto complainant and that the petitioner is not having any bad antecedents.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the co-accused was already arrested and released on bail and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruvaiyaru, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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;



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

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Sd/-
25/04/2022

/ /2022
Sub-Assistant Registrar (C.S.IV)
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,
THIRUVAIYARU.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+ 1 cc to M/S.VADIVEL.P., Advocate. SR.No.3798

ORDER
IN
CRL OP(MD) No.6948 of 2022
Date :25/04/2022

SP/VR/SAR IV/02/05/2022/3P/6C