



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD) . No.8677 of 2022

1.Karthigaiselvan

2.Dhanasekaran

... Petitioners/1st & 2nd Accused

Vs

State rep.by

The Inspector of Police,

Aruppukottai Town Police Station,

Virudhunagar District.

(Crime No.88/2022).

... Respondent/Complainant

For Petitioners : M/s.Poornachandran.S, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 88/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners / accused Nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 365, 343 and 384 of I.P.C., in Crime No.88 of 2022, on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The allegation against the petitioners is that they had undervalued the property and purchased the same from the defacto complainant by subjecting him to consume liquor. The property in question seems to be a registered document and if at all the defacto complainant is aggrieved, he could have redressed his grievance

before the Civil Court or before the Registration Authority. However, there seems to be certain averments that the petitioners herein had harassed the defacto complainant for selling the property for lower value, which is the subject matter for investigation.

4. In view of the observation made by this Court with regard to the role of the petitioners and defacto complainant and alternate remedy, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arupukottai, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the 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]**.

Sd/-
06/05/2022

/ TRUE COPY /

/ /2022

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



TO

1. THE JUDICIAL MAGISTRATE, ARUPUKKOTAI.

2. -DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.POORNACHANDRAN.S Advocate SR.No.4442

ORDER

IN

CRL OP(MD) No.8677 of 2022

Date :06/05/2022

SP/JM/SAR II/10/05/2022/3P/6C