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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL.OP(MD) .No.9504 of 2022

1.Alzhiyameenal
2.Kannan
3.Thulas

... Petitioners/Accused
Nos.1, 3 & 4

Vs

State rep.by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.70 of 2022)

... Respondent/Complainant

For Petitioners : Mr.K.Navaneetharaja, Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Cr.No.70 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 427, 294(b), 341, 419, 420 & 506(ii) of IPC, in Crime No.70 of 2022, seek anticipatory bail.

2.The case of the prosecution is that in the year 2017, the defacto complainant sold a property to an extent of 12 cents to the first petitioner for a total consideration of Rs.20,40,000/- wherein the petitioner had given only a sum of Rs.16,00,000/- and assured that she would give balance sale consideration within a short period. Without paying the same, the accused tried to made fence over the property and when the same was questioned by the defacto



complainant, the accused persons abused the defacto complainant in a filthy language and also threatened him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the already the first petitioner agreed to pay the balance amount of Rs.4,40,000/-, but he refused to pay the amount. Hence the dispute is arose. Since the dispute between the parties is for money, the presence of the accused is required for interrogation. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also the fact that the first petitioner purchased the property in the year 2018 and the complaint was lodged after three years, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate, Manamadurai, 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 second petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation and the first and third petitioners shall report before the respondent police 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/-
19/05/2022

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

vsd

TO

1. THE JUDICIAL MAGISTRATE,
MANAMADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9504 of 2022
Date :19/05/2022

SP/PN/SAR IV/24/05/2022/3P/5C