



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/07/2022

PRESENT

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.13322 and 13342 of 2022

1. N.Saminathan
2. S.Kuppusamy

... Petitioners/Accused Nos.1 & 3
in Crl.OP(MD)No.13322 of 2022

1. Indramoorthy
2. Jayasankar
3. Satheesh @ Satheeshkumar

... Petitioner/Accused
in Crl.OP(MD)No.13342 of 2022

Vs

The State rep.by,
The Inspector of Police,
Velliyanai Police Station,
Karur District.
Crime No.207 of 2022.

... Respondent/Complainant
in both Petitions

For Petitioners : Mr.R.Mathiyalagan
In Crl.OP(MD)No.13322 of 2022

Mr.AN.Ramanathan
In Crl.OP(MD)No.13342 of 2022

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

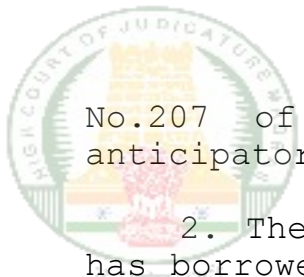
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.207 of 2022 on the file of
the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 147, 448, 294(b), 506(ii) I.P.C and Section 4 of TN
Prevention of Charging Exorbitant Interest Act, 2003, in Crime



No.207 of 2022 on the file of the respondent police officer. The petitioners seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has borrowed a sum of Rs.20 lakhs from the first and second accused persons and paid the interest regularly. As security, he has executed a sale deed in favour of the first and second accused persons, with respect to his property. So far, he has repaid Rs.80 lakhs to them and due to Covid-19, he is unable to repay the loan. In such circumstances, on 08.01.2020, taking advantage of the security document, the first and second accused persons sold the said property to one Jeyasankar and his wife Sathiya and Sathiyaraj. On 26.01.2022, the accused persons criminally trespassed into the property and made criminal intimidation to the defacto complainant to vacate the property. Again on 14.06.2022, the accused persons armed with deadly weapons, abused him in filthy language and threatened his life and to vacate the house. Hence, the complaint.

3. The learned counsel for the petitioners submitted that after receiving total sale consideration of Rs.18,04,000/-, the defacto complainant has executed the sale deed on 31.01.2018, not as a security. Since the cost of the property goes high, this false complaint has been given by the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is a money dispute between the parties. However, the petitioners are not having any previous case at their credit.

5. Whether the document was executed only for security purpose or after receiving sale consideration, it has to be decided. It is matter for investigation. The parties can very well approach the Civil Court to settle their issues.

6. Considering the money dispute between the parties, and that the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, these Criminal Original Petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



8. The petitioners shall appear before the concerned M. within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
25/07/2022

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/08/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
VELLIYANAI POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MR.AN.RAMANATHAN, Advocate SR.No.7716

ORDER
IN
CRL OP (MD) No.13322 & 13342
of 2022
Date :25/07/2022

PNM
MK/VR/SAR.IV/01.08.2022/3P/6C