



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/11/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18669 of 2022

1. Ravi Shankar,
2. Sritharan,
3. Umarani, ... Petitioners/Accused No.1,3 & 4

Vs

The State rep.by
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District.
Crime No. 227 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No. 227 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 120-B, 255, 465, 468, 471, 472, 473 & 467 of IPC, in Crime No.227 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner approached the defacto complainant and told that a house with vacant site is available for sale. On believing his words, the first petitioner agreed to purchase the above said house along with vacant site and on 18.03.2022, the complainant paid a sum of Rs.10,500/- as advance. But, thereafter, he did not execute any sale agreement. Hence, he verified the title of the said property and he came to know that on the date of advance paid by the petitioner, the property was stood in the name of the first petitioner's father. Without having title over the property, the first petitioner received advance from the defacto complainant. Later, on 06.04.2022,



the settlement deed was executed in favour of the petitioner in support of the fabricated documents. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the second petitioner is the son and the third petitioner is the wife of the first petitioner. The alleged above said advance amount of Rs.10,500/- was paid to the defacto complainant through google pay. The settlement deed executed in favour of the first petitioner was cancelled by his father. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that totally 6 accused are involved in this case. The petitioners herein were arrayed as A1,A3& A4. On the basis of the above said occurrence, the defacto complainant lodged the complaints before the respondent police against the accused persons. Since it is a civil in nature, that complaints were closed as 'mistake of fact'. Thereafter, the defacto complainant filed a private complaint before the lower Court under Section 156(3) Crl.P.C. As per the direction of the learned Magistrate, the present case has been registered against the accused. Since the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the offence is civil in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

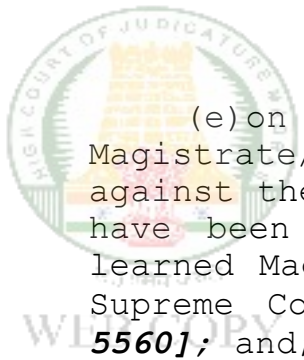
6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Arupukottai, on condition that the petitioners shall execute a 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police **as and when required** for interrogation;

(c)the petitioners shall not tamper with 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 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]**; and;

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

sd/-

04/11/2022

/ TRUE COPY /

/11/2022

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

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,
ARUPUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT ARUPUKOTTAI.
- 3 THE INSPECTOR OF POLICE,
ARUPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.12487

ORDER IN

CRL OP(MD) No.18669 of 2022
Date : 04/11/2022

DSS

SA/VR/SAR.4/16.11.2022/3P/6C