



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

WEB COPY

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23267 of 2022

K.Muthukumar

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
City Crime Branch,
Madurai City
(Crime No. 49 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Mayilvahana Rajendran.C,Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.49 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 421, 423, 465, 468 and 471 of I.P.C., in Crime No.49 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had mortgaged a property in favour of the defacto complainant for a sum of Rs.7,50,000/- (Rupees Seven Laksh and Fifty Thousand Only) by executing a sale deed, which was a registered one. The Accused Nos.1 and 2 in connivance with the petitioner who is said to be a business partner of the second accused alleged to have executed a sale deed in respect of the same property, which was sold in favour of the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is a bonafide purchaser and he has not committed any offence as alleged by the prosecution. Hence, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that it is a civil dispute and no previous case is pending against the petitioner. Hence, he prayed for dismissal of this petition.

5.Taking into consideration the facts and circumstances of the case and considering the fact that the issue is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 No.I, Madurai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 daily at 10:30 a.m., until further orders;

(c)the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a [R
can be registered under Section 229-A IPC.

sd/-
28/12/2022

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29/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

IAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MAYILVAHANA RAJENDRAN, Advocate (SR-15644[I] dated
28/12/2022)

ORDER
IN
CRL OP(MD) No.23267 of 2022
Date :28/12/2022

PKP/GB/SAR-3/29.12.2022/3P/6C