



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.23328 of 2022

1. Durai
2. Mariyammal

... Petitioners/A1 and A2

Vs

The State Rep. by,
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
Cr.No.551/2022.

... Respondent/Complainant

For Petitioners : M/s. Sankar.K,
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.551/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 306 of I.P.C., in Crime No.551 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant's father are relatives. The first petitioner purchased a property from the defacto complainant's father vide a registered sale deed. However, the defacto complainant lodged the present complaint as if it is a fraudulent one. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners already gave a sum of Rs.80,000/- to the defacto complainant's father and purchased the property. In order to defame the petitioner's family, the present false complaint has been lodged. Hence, he prayed for anticipatory bail.



4. The learned Additional Public Prosecutor submitted it is a civil dispute and the petitioner is not having any previous case.

5. Taking into consideration the facts and circumstances of the case and considering the fact that there is a civil dispute pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of 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, Sivagiri**, 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 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 petitioners 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 petitioners shall report before the respondent Police daily at 10:30 a.m., until further orders;

(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]**; and;

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

sd/-

28/12/2022

/ TRUE COPY /

29/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.K.SANKAR, Advocate (SR-15623[I] dated 28/12/2022)

ORDER

IN

CRL OP(MD) No.23328 of 2022

Date :28/12/2022

USK/BUC/SAR-III/29.12.2022/3P/6C