



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/12/2022
PRESENT

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

CRL OP (MD) . No.23297 of 2022

Balamurugan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
District Crime Branch
(Anti Land Grabbing Special Cell), Karur,
Karur District.
Crime No.34 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ramanathan AN, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.34 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 465, 468 and 506(i) IPC in Crime No.34 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto Complainant, is that he has given a property to A1 in S.F.No.737/3 to an extent of 4.05 acre for security purpose and received the loan amount of Rs.33,00,000/-, but, A1 had sold the same to A2 and A3 and hence, the complaint.

3.The learned Counsel for the Petitioner would submit that the Petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is a subsequent purchaser and the civil suit is also pending before the Principal District Munsif, Karur in O.S.No.135 of 2022 and thereby, he seeks anticipatory bail.



4.The learned Additional Public Prosecutor appearing as respondent would submit that the defacto complainant had borrowed a sum of Rs.33,00,000/- as loan from A1 after giving his property as security, but, A1 had sold the same to the petitioner and other accused and cheated the defacto complainant. He further submitted that the investigation of the case is pending and hence, he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and also considering the fact that it is a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court No.I, Karur Town, Karur District**, on condition that the petitioner shall execute 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 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 everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

28/12/2022

/ TRUE COPY /

29/12/2022

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



TRP

TO

1 THE JUDICIAL MAGISTRATE COURT NO.I,
KARUR TOWN, KARUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
(ANTI LAND GRABBING SPECIAL CELL), KARUR,
KARUR DISTRICT.

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

+1. CC to M/S.RAMANATHAN AN Advocate SR.No.15645

ORDER

IN

CRL OP (MD) No.23297 of 2022
Date :28/12/2022

SA/MMS/SAR.2/29.12.2022/3P/6C