



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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.110 of 2023

Rajendran

... Petitioner / Accused No.1

Vs

State Represented by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.1055 of 2020).

... Respondent / Complainant

For Petitioner : M/s.M.Maharaja, Advocate.

For Respondent : Mr.R.M,Anbunithi,
Additional Public Prosecutor

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

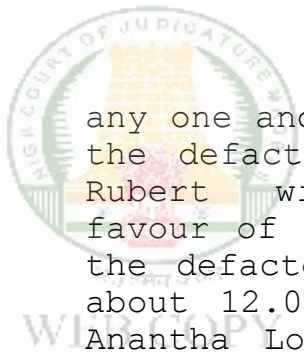
PRAYER :-

For Anticipatory Bail in Cr.No.1055 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 420 and 506(ii) of IPC in Crime No. 1055 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with one Prem Kumar Robert who is the staff of Vijay Cement approached the defacto complainant and informed that they will supply cement and iron for his shop and demanded advance amount or vacant land from the defacto complainant, for which the defacto complainant executed a power of attorney deed in favour of the above said Prem Kumar Robert for his land in S.Nos.102/10A2A to 102/10A2C and 102/10B to 102/10C to an extent of 12 cents in Suba Nagar, kovilpatti at Sub Registrar Office, Kovilpatti. The further allegation is that they have executed an



any one and if he sell the same, they will pay the market value to the defacto complainant and thereafter the above said Prem Kumar Rubert without following his words has executed sale deed in favour of his employee and had not supplied any cement or iron to the defacto complainant and cheated him. Further on 27.09.2020 at about 12.00 pm., while the defacto complainant was standing near Anantha Lodge the petitioner abused the defacto complainant in filthy language and threatened with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that no power has been executed in favour of the petitioner herein.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein cheated the defacto complainant by not supplying cement and iron rod.

5. It is seen that the defacto complainant had executed power of attorney in favour of the second accused in respect of the property comprised in S.Nos.102/10A2A to 102/10A2C and 102/10B to 102/10C to an extent of 12 cents in Suba Nagar, kovilpatti at Sub Registrar Office, Kovilpatti on condition that the petitioner shall supply cement and iron to the defacto complainant. Admittedly no power has been executed in favour of the petitioner herein. Thereafter the second accused had executed settlement deed in favour of the company employee in respect of the subject property and thereafter no consideration has been passed in favour of the petitioner herein. That part it seems that the entire transactions are civil in nature and custodial interrogation of the petitioner is not required, hence 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 learned Judicial Magistrate No.II, Kovilpatti 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 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, at 10.30 a.m., for a period of two weeks and thereafter as and



when required for interrogation.

[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 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].

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

sd/-

07/03/2023

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

AAV

TO

1.The Judicial Magistrate No.II,
Kovilpatti.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

4.The Additional Public Prosecutor,
Madurai Bench of Bench of Madras High Court, Madurai.

+1. CC to M/S. MAHARAJA.M. Advocate SR.No.3578(I), dated
07.03.2023

ORDER

IN

CRL OP(MD) No.110 of 2023

Date :07/03/2023