



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1074 of 2023

WEB COPY

1.M.Ramanathan

2.Senthamizhpavai

...Petitioners/Accused Nos. 1 and 2

-vs-

The State
represented by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Cr.No. 12 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.12 of 2023 on the file of the respondent Police.

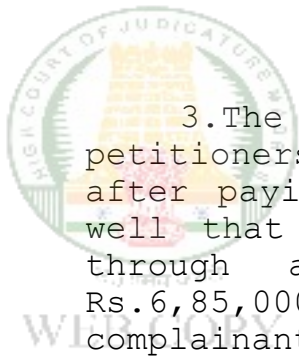
For Petitioners : Mr.G.Prabhu Rajadurai, Advocate

For Respondent : Mr. P. Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 465, 467, 468, 420, 294(b) and 506(1) IPC in Crime No. 12 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Devi is that after paying sale consideration of Rs.6,85,000/- to the petitioners for 2.5 cents of land, the defacto complainant came to know that the said land belongs to Karaikudi Municipality. On the basis of undertaking given by the first petitioner, earlier complaint was closed. Thereafter, on 09.10.2022, when the defacto complainant along with her husband came to the petitioners' house, a wordy altercation arose and the petitioners abused them with filthy language and threatened them with dire consequences. Hence, the present complaint.



3.The learned counsel for the petitioners would submit that the petitioners obtained only right of possession from one Periyasamy after paying Rs.3 lakhs and the defacto complainant, knowing very well that the petitioners were holding only right of possession through an unregistered sale deed on 02.11.2017, offered Rs.6,85,000/- and possession was also delivered to the defacto complainant. Later, for the reasons best known to her, she wanted the money back and there was a dispute and a false complaint has been given. He would submit that earlier based on the complaint given by the defacto complainant, an enquiry was conducted by the respondent police and finding that the dispute between the petitioners and the defacto complaint is civil in nature, they have closed the enquiry and thereafter a fresh complaint has been given as if the petitioners have cheated. He would reiterate that the defacto complainant, who is very well aware of the fact that the petitioners were having only right of possession, has now filed a false complaint, or else the defacto complainant would have insisted for registration of sale. He would submit that the second petitioner, who is Professor and who has nothing to do with the alleged offence, is also unnecessarily haunted by the respondent police. He would pray for grant of anticipatory bail.

4.The learned Government Advocate (crl.side) would submit that the petitioners without having any right over the municipality property by a sale deed dated 02.11.2017 have sold the property and received a sum of Rs.6,85,000/- and cheated the defacto complainant. Hence, he opposes for grant of anticipatory bail to the petitioners.

5. I have given my anxious consideration to the rival submissions made by the learned counsel for the petitioners and the learned Government Advocate(Crl.side) appearing for the State and carefully perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Karaikudi, Sivagangai District, on condition that the petitioners shall execute 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



Magistrate may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

[b] the first petitioner shall report before the respondent police everyday at 6.30 p.m and thereafter every Saturday at 6.30 p.m until further orders. The second petitioner shall appear 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 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/-

14/02/2023

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

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TO

1.THE JUDICIAL MAGISTRATE, KARAUKUDI, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
KARAUKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.B.PRABHURAJADURAI, Advocate (SR-2282[I] dated 14/02/2023)

ORDER IN

CRL OP(MD) No.1074 of 2023

Date :14/02/2023