



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

Date : 23/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.1133 of 2023

WEB COPY

1. Selvakumar
2. Kamalakannan
3. Aravundhan
4. Karpagaraj

... Petitioners / Accused 1 to 4

Vs

State through
The Inspector of Police,
Cumbum South Police Station,
Theni District.
in Crime No.289/2022.

... Respondent / Complainant

For Petitioner : M/s.Chengiz Khan K,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

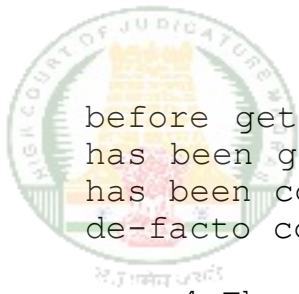
For Anticipatory Bail in Crime No.289/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 294(b), 323 and 506(i) of I.P.C., in Crime No.289 of 2022 on
the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on account of a quarrel
regarding the non-handing over of flats to the de-facto complainant,
the accused have abused and assaulted the de-facto complainant.
Hence, the case.

3.The learned counsel for the petitioners would submit that the
petitioners are the promoters of the plots, the de-facto complainant
of Rs.4,00,000/- and since he has not paid the amount



before getting the keys, there was a quarrel and a false statement has been given. He would further submit that as on date, the matter has been compromised and the flats have also been handed over to the de-facto complainant. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that on account of a quarrel regarding the non-handing over of flats to the de-facto complainant, the accused have abused and assaulted the de-facto complainant and hence, he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of 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 Court, Uthamapalayam, Theni District, 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 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., for a period of two weeks and thereafter, 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].



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

sd/-
23/01/2023

/ TRUE COPY /

/02/2023

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

SJI

TO

1. The Judicial Magistrate,
Uthamapalayam, Theni District.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Cumbum South Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.1133 of 2023
Date :23/01/2023

ED/BUC/SAR-II(02.02.2023) 3P 5C