



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.3334 of 2023

Karthikeyan @ Karthi

...Petitioner/Sole Accused

-vs-

State represented by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.
(in Cr.No.98 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.98 of 2023.

For Petitioner : Mr.Seenisulthan,Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 387 and 506(ii) IPC in Crime No.98 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that Sivakumar is that his wife owns 2 acres and 42 cents of land in Sakkottai Panchayat in Karuppoor Village in S.No.9/1 and the accused claiming himself to be a rowdy had threatened her to execute 10,000 sq ft. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a civil dispute and the matter has been compromised and the defacto complainant has also filed an affidavit before this Court stating that the petitioner and the wife of the defacto complainant entered into a sale agreement to sell 5252 sq ft to the petitioner and he rescinded back from the agreement and thereby there was a dispute and the matter has now



been compromised and the defacto complainant's wife has executed a sale deed in respect of 5252 sq. ft on 17.02.2023 and sale price has also been paid to the defacto complainant. He would seek for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner threatened the defacto complainant and demanded 10,000 sq feet of land from him and also threatened him. Hence, he would object for grant of anticipatory bail.

5.Taking into consideration the facts and circumstances of the case and the matter has been compromised between the parties and an affidavit has been filed before this Court, 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, Kumbakonam, Thanjavur District, 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 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 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.



The affidavit filed by the defacto complainant shall be placed at
of the court records.

sd/-
01/03/2023

/ TRUE COPY /

/03/2023

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

WEB COPY

ENCL: AFFIDAVIT FILED BY THE DEFACTO COMPLAINANT

CM
TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SEENISULTHAN M Advocate SR.No.12909(I)

ORDER
IN
CRL OP(MD) No.3334 of 2023
Date :01/03/2023

PKP/VR/SAR-3/(08.03.2023) / 3P/6C