



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

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PRESENT

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

CRL OP(MD) . No.5335 of 2023

1. Angalaeswari
2. Masanam
3. Jothi
4. Tamilarasan
5. Yuvaraj

... Petitioners/Accused No.1 to 5

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Madurai District.
Crime No.6/2023.

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

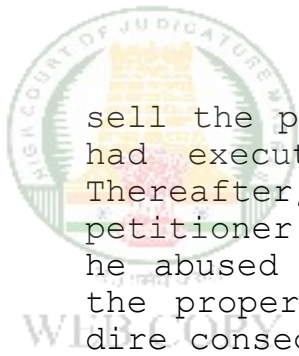
PRAYER :-

For Anticipatory Bail in Crime No.6 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 294(b) and 506(i) of I.P.C., in Crime No.6 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant had borrowed a sum of Rs.3,50,000/- from the second petitioner for her husband's medical treatment. Due to critical financial situation, she decided to sell her property in S.F.No.672/3 situated at Sholavanthan Village, Madurai District. The second petitioner, who is the Village Administrative Officer assured that if the she transfer the property to the first petitioner's name, he can easily



sell the property. By believing his words, the de-facto co-plaintiff it had executed a sale deed in favour of the first petitioner. Thereafter, the de-facto complainant approached the second petitioner and asked to make arrangement to sell the property, but he abused her in filthy language and stated that she already sold the property to the first petitioner and also threatened her with dire consequences. Hence, the case.

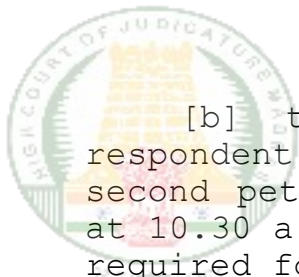
3. Heard. Perused the materials available on record including the First Information Report.

4. Even according to the case of the prosecution, the de-facto complainant had borrowed money from the second petitioner for her husband's medical expenses. That apart, on the assurance given by the second petitioner herein, the de-facto complainant transferred the property to an extent of 32 cents in favour of the first petitioner herein in order to sell the property. However, the petitioners have failed to sell the property and also did not pay the sale consideration. Whereas, the learned Additional Public Prosecutor submitted that the first petitioner is having not any cheque facility in her account, even then, he issued a cheque and the same got dishonoured. Admittedly, the de-facto complainant has already executed a sale deed in favour of the first petitioner herein in respect of subject property to an extent of 32 cents, out of 92 cents and the remaining property was already sold out in favour of the third parties. Now the de-facto complainant alleging that in order to sell the said property, on the assurance given by the second petitioner, it was transferred in the name of the first petitioner. However, all the issues are civil in nature and as such, the petitioners' custodial interrogation do not require in this case.

5. 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:

6. 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 No.1, Madurai, 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 confirm their identity.



[b] the petitioners 1, 3 to 5 shall report before the respondent police as and when required for interrogation; and the second petitioner 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; and the

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/03/2023

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/04/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI.

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

ORDER

IN

CRL OP(MD) No.5335 of 2023

Date :23/03/2023

RS/MMS/SAR-2 (05.04.2023) 3P 5C