



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

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

CRL OP(MD) . No.5420 of 2023

Sonny Karkada @ Immanuvel Gladston Karkada

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Austinpatti Police Station,
Madurai District.
Cr.No.51/2023.

... Respondent/Complainant

For Petitioner : M/s.Pon Senthil Kumaran.S,
Advocate.

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

For Intervenor : Mr.N.Pandian

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

PRAYER :-

For Anticipatory Bail in Crime No.51/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(1) of I.P.C., in Crime No.51 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is doing real estate business. On 06.07.2020, he had entered into an unregistered sale agreement with the first accused to purchase land measuring to an extent of 3 acres and 45 cents in various survey numbers at Thoppur Village. As per the agreement, A1 received a sum of Rs.20,00,000/- as an advance amount. Further, the de-facto complainant had spent more than Rs.7,00,000/- towards maintenance and developing the land. While being so when he visited the said



land on 06.01.2023, the first accused along with the petitioner herein have abused him and attempted to attack him with wooden log. Hence, the case.

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

4. It is seen that the petitioner is arrayed as A2. According to the case of the prosecution, the de-facto complainant had entered into an agreement for sale with the first accused to purchase a subject property admeasuring to an extent of 3.45 acres. The de-facto complainant already paid a sum of Rs.20,00,000/- as an advance. Thereafter, he had also spent a sum of Rs.7,00,000/- in order to develop the said property. Thereafter, he failed to execute any sale deed in his favour. Therefore, the entire allegations are levelled as against the first accused. Insofar as the petitioner is concerned, he was presented along with A1 from the beginning of the transaction. Therefore, the petitioner had not committed any offence as alleged by the prosecution.

5. Considering the above facts and circumstances of the case, 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, Thirumangalam, 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:

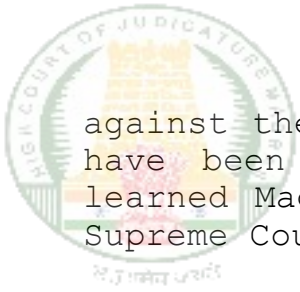
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the 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].

[f] If the accused thereafter absconds, 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.

TO

1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM.

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

3 THE INSPECTOR OF POLICE
AUSTINPATTI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.PON SENTHIL KUMARAN.S Advocate SR.No.4749

ORDER
IN
CRL OP(MD) No.5420 of 2023
Date :23/03/2023

SS/VR/SAR III/11/04/2023/3P/6C