



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 10.04.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.6473 of 2023

1.Justin Roy

2.Louis Helan

3.Jatson Roy

... Petitioners/Accused Nos. 1 to 3

Vs

State Rep.by

The Inspector of Police,

District Crime Branch Police Station,

Kanyakumari District.

Crime No.21 of 2023

... Respondent/Complainant

For Petitioners : Mr.R.Ponkarthikeyan, Advocate

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor.(Crl.Side)

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

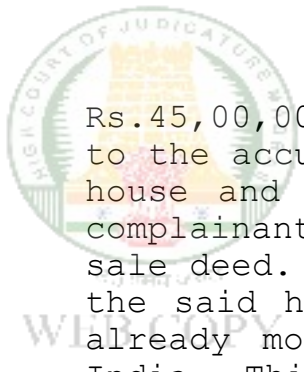
PRAYER :-

For Anticipatory Bail in Crime No.21 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) IPC in Crime No.21 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the accused persons insisted the defacto complainant to buy a house at Thingal Nagar, Palayam. Due to their insistence, the defacto complainant agreed to purchase the house of the accused for a sale consideration of



Rs.45,00,000/-. On various dates, the defacto complainant gave Rs.45,00,000/- to the accused persons and they have also handed over the key of the house and promised to execute sale deed in favour of the defacto complainant within two months. Thereafter, they failed to execute sale deed. When the defacto complainant verified the encumbrance of the said house, she came to know that the said house property was already mortgaged by the accused persons with the State Bank of India, Thingal Nagar Branch. When the defacto complainant asked about the same, all the accused persons threatened the defacto complainant with dire consequences. Hence the case.

3. Heard both sides and perused the materials available in the record.

4. Even according to the case of the prosecution, the defacto complainant entered into an agreement for sale and paid advance amount of Rs.3,00,000/-. Thereafter, without knowledge of the defacto complainant, the first petitioner mortgaged the property and availed loan for a sum of Rs.90 Lakhs and 60 Thousand. Thereafter, the first petitioner refused to register sale deed in favour of the defacto complainant. Therefore, all the allegations are civil in nature and custodial interrogation of the petitioners does not require in this case and hence, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

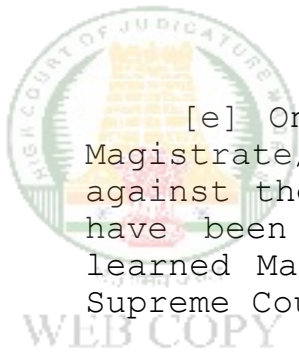
5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court No.I, Nagercoil, on condition that the petitioners shall execute a bond 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, 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 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/-

10/04/2023

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/04/2023

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

GNS  
TO

- 1 THE JUDICIAL MAGISTRATE NO.I  
NAGERCOIL.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE  
DISTRICT CRIME BRANCH POLICE STATION,  
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PON KARTHIKEYAN R, Advocate (SR-5584[I] dated  
10/04/2023 )

ORDER

IN

CRL OP(MD) No.6473 of 2023

Date :10/04/2023

PKP/SSS/SAR-2/26.04.2023/ **3P/6C**