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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.04.2023

PRESENT

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

CRL OP(MD)No.7060 of 2023

D.Sakkaya ... Petitioner/Petitioner/3rd Accused

Vs

1.State Represented by
The Inspector of Police,
Y.Othakkadai Police Station,
Madurai District.
(Crime No.57 of 2021)

2.The Inspector of Police,
Anti-Land Grabbing Special Cell,
Madurai District.
Madurai. ... Respondents/Respondents/Defacto Complainant

For Petitioner : Mr.K.Hemakarthiskeyan

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

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

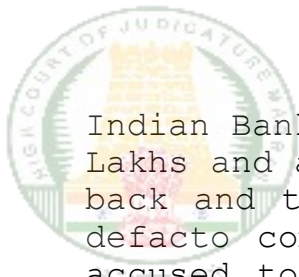
PRAYER :-

For Anticipatory Bail in Crime No.57 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 294(b) & 506(1) IPC in Crime No.57 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the second and the third accused introduced the first accused to the defacto complainant and the first accused expressed his willingness to purchase the house of the defacto complainant at the cost of Rs.25 Lakhs and the defacto complainant executed sale deed in favour of the first accused and the same is registered vide document No.1/6521/2020 and in the sale deed it was mentioned that a cheque bearing No.686423, drawn at



Indian Bank, Theinayagaperi, Tirunelveli District for a sum of Rs.25 Lakhs and after registration of sale deed, the said cheque was taken back and the first accused failed to pay sale consideration to the defacto complainant. When the defacto complainant asked the first accused to pay the sale consideration, the accused persons replied that they will pay the amount by cash, but failed to pay the said amount. Therefore, the defacto complainant had given an objection petition to Sub Registrar, Othakadai stating that do not give the sale deed to the first accused. On 15.12.2020, the first accused paid 10,00,000/- through second accused. Whenever, the defacto complainant asked the first accused to pay remaining sale consideration, the petitioner herein along with other accused threatened the defacto complainant with dire consequences and abused her in filthy language. Hence, the case.

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

4. It is seen that the defacto complainant executed sale deed in favour of A1 & A2. However, the accused persons failed to pay the sale consideration. Insofar as the petitioner herein is concerned, he is one of the witnesses in the sale deed and he is nothing to do with the allegations as alleged by the prosecution. Therefore, custodial interrogation of the petitioner does not require in this case.

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, Melur 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, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation;

[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.

sd/-

18/04/2023

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/05/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
Y.OTHAKADAI POLICE STATION,
Y.OTHAKADAI.
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
ANTI-LAND GRABBING SPECIAL CELL,
MADURAI DISTRICT, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-6129[I] dated
19/04/2023)

ORDER

IN

CRL OP(MD) No.7060 of 2023

Date :18/04/2023