



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.6588 of 2023

R.Selvam

... Petitioner/Accused No.1

Vs

The State rep., by
The Sub-Inspector of Police,
Ilathur Police Station,
Tenkasi District.
(Crime No.164 of 2019)

... Respondent/Complainant

For Petitioner : Mr.S.Siva Thilakar, 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.164 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 406, 294(b), 506(2) and 120B of IPC, in Crime No.164 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.02.2017, the petitioner agreed to sell the landed property situated at Ilathur Village, Senkottai Taluk measuring to an extent of 7 ½ cents with a house therein belongs to him to the defacto complainant for a valid consideration of Rs.11,00,000/- and received a sum of Rs.5,00,000/- as first installment from the defacto complainant. So far, the petitioner has received a sum of Rs.10,25,000/-. When the defacto complainant insisted the petitioner to execute the sale deed, the petitioner said that the original documents of property were handed over to the second accused and had received a sum of Rs.2,00,000/- as loan and now, Rs.3,00,000/- is payable to the second accused with



interest. The defacto complainant is also ready to pay that. But, the petitioner refused to execute the sale deed. Hence, the case.

3. Heard both side and perused the materials available on record including the First Information Report.

WEB COPY

4. It is seen that the petitioner has received a sum of Rs.10,25,000/- as advance from the defacto complainant and agreed to sell the property by un-registered agreement and thereafter, he entered into another registered agreement for sale with another person. The defacto complainant instead of filing a suit for specific performance, he lodged a complaint. All the allegations leveled as against the petitioner are civil in nature and as such, the custodial interrogation of the petitioner does not require. Therefore, this Court is inclined to grant anticipatory bail to petitioner, with certain conditions:

5. 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, Senkottai, Tenkasi 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 daily at 10.30 am., 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].



CRL OP(MD).



23

[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
11/04/2023

/ TRUE COPY /

/04/2023

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

WEB COPY

RMK

TO

- 1 THE JUDICIAL MAGISTRATE,
SENKOTTAI, TENKASI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
IIATHUR POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S. SIVA THILAKAR, Advocate (SR-5702[I] dated 11/04/2023

ORDER
IN
CRL OP(MD) No.6588 of 2023
Date :11/04/2023

PKP/BUC/SAR-1/19.04.2023/ **3P/6C**