



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05.04.2023

PRESENT

WEB COPY

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

CRL OP(MD)No.9781 of 2022

1.Selvi Hema

2.S.Ganthi Perumal @ S.Gandhi Perumal

3.V.P.Rajan

4.Iyappan

5.K.Paul @ David Pal

... Petitioners/Accused Nos.1 to 5

Vs

State represented by
The Inspector of Police,
O/o. The Inspector of Police,
City Crime Branch Police Station,
Tirunelveli City.

(In Crime No.07 of 2022)

... Respondent/Complainant

Sangeetha

... Petitioner/Intervenor/Defacto Complainant
in CRL MP(MD) No.6459 of 2022

For Petitioners : Mr.M.Maharaja

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

For Intervenor : Mr.S.Velrajan

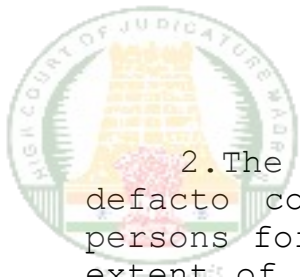
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.07 of 2022 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
294(b), 406, 420 & 506(1) IPC in Crime No.07 of 2022, seek
anticipatory bail.



2.The case of the prosecution is that on 17.08.2019, the defacto complainant gave a sum of Rs.20,00,000/- to the accused persons for the property in S.No.387, ward No.19, in Plot No.5 to an extent of 9.61 cents at Vijayragava Modaliyar Chatiram Village, 2nd north street, Thiagarajar Nagar, Palayamkottai Taluk, Tirunelveli District and sale price is fixed as Rs.80,00,000/- and made a unregistered agreement stating that within three months they will complete the entire transaction and execute sale deed. On 01.11.2019 the defacto complainant gave another of sum of Rs.10,00,000/- to the accused persons. However, the accused persons failed to execute the property in defacto complainant's name. Hence the case.

3.While pending this petition, the matter has been referred to mediation and the parties arrived for a settlement to the tune of Rs.30,00,000/- and the petitioner paid Rs.25,00,000/- so far. For payment of remaining amount of Rs.5,00,000/-, the learned counsel appearing for the petitioner sought for further time.

4.Considering the same, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall jointly pay remaining amount of Rs.5,00,000/- on or before 21.04.2023.

5.On such payment and production of acknowledgement, 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.I, Tirunelveli 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, 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/-

05/04/2023

/ TRUE COPY /

20/04/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE
O/O THE INSPECTOR OF POLICE, CITY CRIME
BRANCH POLICE STATION, TIRUNELVELI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.MAHARAJA, Advocate (SR-5441[I] dated 05/04/2023)

ORDER

IN

CRL OP(MD) No.9781 of 2022

Date :05/04/2023

SS/SSS/SAR /20/04/2023/3P/6C