



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.04.2023

PRESENT

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

CRL OP(MD). No.7457 of 2023

Kendipriyatharshini

... Petitioner/A2

Vs

State rep., by
The Inspector of Police,
District Crime Branch,
Theni.
Crime No.17 of 2023

... Respondent/Complainant

For Petitioner : Mr.S.C.Herold Singh
for Mr.H.Velavadas
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor
For Intervenor : Mr.H.Arumugam

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

PRAYER :-

For Anticipatory Bail in Crime No.17/2022 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 417, 420, 294(b), 355, 120B and 506(ii) of I.P.C., in Crime No.17 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 is the owner of the property in Doc Nos.3526/2008, 4369/2012, 4370/2012, 4371/2012 and 286/2014. The defacto complainant intended to purchase the said property for a total sale consideration of Rs.1,90,00,000/- with one Murugan as Mediator of the sale proceedings. On 01.07.2021, the defacto complainant given the amount for a sum of Rs.50,00,000/- to Murugan in the presence of A1. Later, a sum of Rs.50,00,000/- was paid. The petitioner was witness of the unregistered agreement. Thereafter, the defacto complainant paid a sum of Rs.90,00,000/-. After that, A1 failed to execute the sale deed. Hence, the case.



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

4. It is seen that there are totally three accused, in which the petitioner is arrayed as A2. Even according to the case of the prosecution, the first accused owned property and entered into agreement for sale with the defacto complainant and received a sum of Rs.1,48,00,000/- through bank transaction and Rs.40,00,000/- by cash. However, the first accused refused to register any sale agreement in respect of subject property in favour of the defacto complainant. The petitioner is the daughter of A1 and she is nothing to do with the alleged allegations. That apart, it is completely civil dispute between A1 and the defacto complainant. In fact, in this regard O.S.No.23 of 2022 for injunction and O.S.No.88 of 2022 for cancellation of said agreement are pending on the file of the Principal District Court, Uthamapalayam. Therefore, the custodial interrogation of the petitioner does not required. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Theni, 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/04/2023

WEB COPY

/ TRUE COPY /

/04/2023

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

RMK

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-6363[I] dated 21/04/2023)

ORDER
IN
CRL OP(MD) No.7457 of 2023
Date :21/04/2023

SS/VR/SAR IV/26/04/2023/3P/6C