



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/04/2023
PRESENT

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

CRL OP(MD) . No.7540 of 2023

1. Ponnangan,
2. Selvi,
3. Mariyappan, ... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.9/2023).

... Respondent/Complainant

For Petitioner : R.SENTHILKUMAR,
Advocate.
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor
For Intervenor : Mr.S.ALAGUSUNDAR, Advocate

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

PRAYER :- For Anticipatory Bail in Crime NO.9 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 34 of I.P.C., in Crime No.9 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner has borrowed a sum of Rs.9,79,927/- from the de-facto complainant for his urgent needs and the first petitioner has assured that he will sell the land in S.No.234/1C1 measuring to an extent of 51 cents, in Kannanoor Village, Maurai District in favour of him. After receiving the said amount, the petitioners did not sell the land as assured by him and also refused to pay the amount given by the de-facto complainant. Hence, the case.



3. Heard. Perused the materials available on record the First Information Report.

4. It is seen that the petitioners are arrayed as A1 to A3. According to the de-facto complainant, he had paid a sum of Rs.10,00,000/- as sale consideration and thereafter, the petitioners have failed to register the sale deed in his favour. In fact, the property was originally mortgaged with the bank and after repayment of the entire loan, the property was redeemed in favour of the petitioners. Thereafter, the said property was executed in favour of one Kaliswari.

5. On perusal of the records revealed that the petitioners had executed sale deed in favour of one Kaliswari, who happens to be the second wife of the de-facto complainant. Subsequently, the de-facto complainant also caused legal notice to the petitioners, in which, he categorically admitted that the sale deed was executed in favour of the said Kaliswari, who is none other than the de-facto complainant's wife. Therefore all the allegations made in the complaint are civil in nature and thereby, the custodial interrogation of the petitioners do not require in this case.

6. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

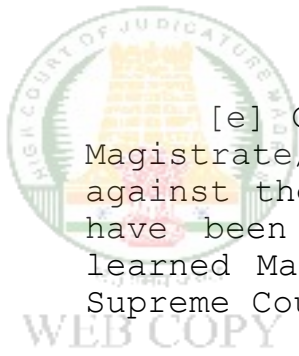
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.1, Madurai, on condition that the petitioners shall execute 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 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/-

24/04/2023

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/05/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.ALAGUSUNDAR, Advocate SR.No.6562

ORDER

IN

CRL OP(MD) No.7540 of 2023

Date :24/04/2023

SA/SSS/SAR.2/04.05.2023/3P/6C