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CRL OP(MD).



23

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

Date : 25.04.2023

PRESENT

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

CRL OP(MD) . No.7707 of 2023

P.Murugan

... Petitioner/2nd Accused

Vs

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.164/2019 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 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 sale agreement of the subject property was entered between the first accused namely R.Selvam and the defacto complainant for a valid consideration of Rs.11,00,000/- and the first accused received a sum of Rs.10,25,000/- so far. When the defacto complainant insisted him to execute sale deed, he would say that the original document of the property were handed over to the petitioner/A2 and had received a sum of Rs.2,00,000/- as loan and now, a sum of Rs.3,00,000/- is payable to him with interest. The defacto complainant also ready to pay that amount, but the first accused refused to execute 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 the defacto complainant entered an unregistered agreement for sale with A1 in order to purchase his property and gave a sum of Rs.5 Lakhs as advance. Subsequently, A1 entered into the registered agreement for sale with the petitioner and agreed to sell the property. Since all the allegations leveled in the FIR are civil in nature, the custodial interrogation of the petitioner does not require. Therefore, 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 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 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/-
25/04/2023

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE JUDICIAL MAGISTRATE,
SENKOTTAI, TENKASI DISTRICT

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ILATHUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.SIVA THILAKAR.S, Advocate (SR-6780[I] dated 27/04/2023)

ORDER

IN

CRL OP(MD) No.7707 of 2023

Date :25/04/2023

PKP/MMS/SAR-4/17.05.2023/ **3P/6C**