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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8799 of 2023

K.Suresh

... Petitioner/Accused No.4

Vs

State Rep.by
The Deputy Superintendent Of Police,
District Crime Branch,
Trichy District.
(Crime No.30 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Atham Ali S,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

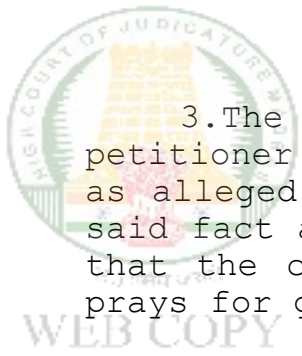
PRAYER :-

FOR ANTICIPATORY BAIL IN CRIME NO.30 OF 2022 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
417, 420 and 34 of IPC, in Crime No.30 of 2022 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is running
a real estate business in the name and style of "VS Properties and
Builders". The defacto complainant purchased the land from A1 to A3
for a sale consideration of Rs.52 lakhs. The petitioner herein acted
as a land broker in the said process. Thereafter, the property
purchased by the defacto complainant was acquired by the Government
for the purpose of interconnecting the Vaigai-Cauvery and Kundaru.
After very well knowing the said fact, the accused persons sold the
property to the defacto complainant with an intention to cheat her.
Hence, the complaint.



3.The learned counsel for the petitioner would submit the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. The petitioner did not aware of the said fact and he is acted only as a broker. He would further submit that the co-accused were already been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the amount which was paid by the defacto complainant as sale consideration is yet to be paid. However, he fairly conceded that A1 and A2 were already released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.2 lakhs (Rupees Two Lakhs only) to the credit of Crime No.30 of 2022** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Trichy.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 months and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;



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(f)if the accused / petitioner thereafter absconds, a : [R
can be registered under Section 229-A IPC.

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

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE DEPUTY SUPERINTENDENT OF POLICE, DISTRICT CRIME BRANCH,
TRICHY DISTRICT.

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

+1 CC to M/s.S.ATHAM ALI, Advocate (SR-7474[I] dated 18/05/2023)

ORDER

IN

CRL OP(MD) No.8799 of 2023

Date :18/05/2023

RS//SAR-(24.05.2023) 3P 6C