



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

Date : 15.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)No.10516 of 2023

WEB COPY

1.M.Surya

2.M.Sathya

... Petitioners / Unanmed Accused

Vs

The State of Tamilnadu,
represented by the
The Sub Inspector of Police,
District Crime Branch,
Madurai District.

(Crime No.10 of 2023)

... Respondent / Complainant

For Petitioners : Mr.J.Barathan, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2023 on the file of the
Respondent Police.

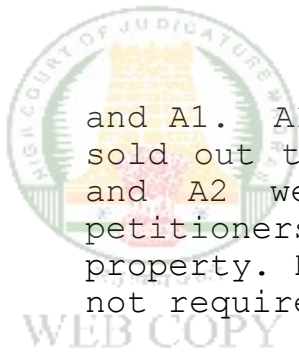
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406,
420, 294(b) and 506(i) IPC in Crime No.10 of 2023, seek anticipatory
bail.

2.The case of the prosecution is that the subject property is
belonged to one Karuppasamy and he entered into sale agreement with
the defacto complainant and received sale consideration. After
receiving amount, the accused persons sold out the property to the
petitioners herein. Hence the case.

3.Heard both sides and perused the materials available in the
record.

4.It is seen that the petitioners are the purchasers of the
property, which was allegedly intended to purchase by the defacto
complainant by way of sale agreement between the defacto complainant



and A1. A1 received advance amount from the defacto compla. id sold out the property in favour of the petitioners herein. Now, A1 and A2 were arrested and released on bail. Insofar as the petitioners herein are concerned, they are only purchasers of the property. Hence, the custodial interrogation of the petitioners does not required in this case.

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

6.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.I, 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/-

15/06/2023

/ TRUE COPY /

/06/2023

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

GNS

<https://www.mhc.tn.gov.in/judis>



To

1.The Judicial Magistrate No.I,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Sub Inspector of Police,
District Crime Branch,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-8916[I] dated 16/06/2023)

ORDER

IN

CRL OP(MD) No.10516 of 2023

Date :15/06/2023

ED/BUC/SAR- (26/06/2023) 3P 6C