



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

Date : 26/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.11452 of 2023

WEB COPY

Sheik Dawood @ Shiek Tawood

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Madurai
(Crime No.17 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Guru.K.N,
Advocate.

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

For Intervenor : Mr.Mohaboob Athiff

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2023 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 406,
420 and 506(i) 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 the petitioner received a
sum of Rs.45,00,000/- as advance from the de-facto complainant, by
giving false promise to execute the sale deed and later, cheated
him. Hence, the case.

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

4.It is seen that the petitioner and the defacto complainant
have entered into an agreement for sale in order to sell the
property. According to the de-facto complainant, the petitioner
received a sum of Rs.45,00,000/- as part of the sale consideration
as advance and also entered into an agreement for sale. However, the
petitioner has failed to execute any sale deed in favour of the de-
facto complainant. In fact, the possession of the property was also



handed over in favour of the de-facto complainant and the complainant is running a car garage. Therefore, all the allegations are civil in nature and the custodial interrogation of the petitioner does not required in this case.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 NO.1, Madurai 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/06/2023

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/07/2023

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



1. The Judicial Magistrate No.1, Madurai.

2. Do-Through The Chief Judicial Magistrate,
Madurai District.

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

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

+1 CC to M/s.K.N.GURU, Advocate (SR-9601[I] dated 26/06/2023)

ORDER

IN

CRL OP(MD) No.11452 of 2023

Date :26/06/2023

RD (04/07/2023) 3P 6C