



CRL OP(MD). No.13495 of 2023

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

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13495 of 2023

K.Seenivasan

... Petitioner / Accused

Vs

The State represented by
The Sub-Inspector of Police,
Samayanallur Police Station,
Samayanallur,
Madurai District.
(Crime No.144 of 2023.)

... Respondent / Complainant

For Petitioner : M/s.R.R.V.Kannan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.144 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 of IPC in Crime



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No.144 of 2023, on the file of the respondent police, seeks anticipatory bail.

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2. The case of the prosecution as per the defacto complainant's version is that there was a sale agreement between him and the petitioner herein, for a sale of plot No.11 situated in Paravai village. Towards the sale agreement consideration, on 22.09.2010, Rs.6,27,931/- was paid through cheque. In spite of the repeated request made by the defacto complainant, the sale transaction was not completed by the petitioner. Hence the present complaint came to be registered.

3. The Additional Public Prosecutor would submit that the petitioner is facing charges in Crime No.19 of 2022 on the file of the District Crime Branch, Theni and the file has been produced. In the case, the defacto complainant, Anbarasi was referring the same allegation between the petitioner and herself, which is totally unconnected to the present case. In that complaint, anticipatory bail was granted.

4. The learned counsel for the petitioner would submit that the cheque was also realized by the petitioner but it is totally unconnected with the sale agreement. According to him, the disputed property was already to sold, prior to the transaction.

5. Considering the fact that the cause of action arose in the year 2010, there was no action on the part of the defacto complainant for the past 13 years. All of a sudden, this petition was filed as if she was cheated by the petitioner. Hence, this



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Court is inclined to grant relief to the petitioner.

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6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Vadipatti, Madurai 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
01/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

To

1.The Judicial Magistrate,
Vadipatti, Madurai District.

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



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

3. The Sub Inspector of Police,
Samayanallur Police Station,
Samayanallur, Madurai District.

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

+1 CC to M/s.RR.KANNAN, Advocate (SR-11640[I] dated 02/08/2023)

ORDER
IN

CRL OP(MD) No.13495 of 2023

Date :01/08/2023

ED/BUC/SAR-IV (16/08/2023) 4P / 6C

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