



CRL OP(MD) No.16398 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.16398 of 2023

MUTHULAKSHMI

... PETITIONER / ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.165 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RAJESH KUMAR, Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.165 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 420, 294(b), 506(i) IPC in Crime No.165 of 2023,
seek anticipatory bail.



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2. The case of the prosecution is that the petitioner borrowed a sum of Rs.3,00,000/- from the defacto complainant. Thereafter, the defacto complainant bought the house of the petitioner for a sum of Rs.16,00,000/- and the sale was also entered between them by way of sale agreement. The defacto complainant repaid the debt amount of the petitioner for a sum of Rs.6,50,000/-. Thereafter, the petitioner received Rs.40,000/- from the defacto complainant. Later, the petitioner neither executed a sale deed nor returned the money to the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and it is a civil dispute between the parties. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned counsel for the Government Advocate (Crl.Side) would submit that investigation is pending.

5. The petitioner filed a petition to restore the anticipatory bail petition filed in Crl.O.P(MD) No.16398 of 2023, which was dismissed for default on 26.09.2023 and the same is allowed vide order dated 08.01.2024, considering the facts and circumstance of this case and also considering the fact that it is a civil dispute between the parties and accordingly, I am inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent Police as and when required;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;



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(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2024

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/01/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLPUTHUR.
- 3 THE INSPECTOR OF POLICE
VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.16398 of 2023
Date :08/01/2024

SS/JGB/SAR- /30/01/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023