



CRL OP(MD). No.17722 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.17722 of 2023

Mariyasoosai,

... Petitioner/Sole Accused

Vs

The Sub Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(Crime No.279/2023).

... Respondent/Complainant

For Petitioner : J.ANANDKUMAR,
Advocate.

For Respondent : M/S.M. AASHA,
Government Advocate (Crl.Side)

For Intervenor : Mr.ANANTH C.RAJESH,
Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.279/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent



CRL OP(MD). No.17722 of 2023

police for the offences punishable under Sections 406 and 420 IPC in Crime No.279 of 2023 on the file of the respondent police, seek anticipatory bail.

WEB COPY

2. The case of the prosecution is that one Swaminathan met with financial crisis and that the defacto complainant was said to have requested to settle his debts and that the said Swaminathan deposited his title deeds before the accused / petitioner herein and that the pursuant to the said request, the defacto complainant paid interest to the petitioner herein towards Swaminathan's debt and that the petitioner executed the sale deeds in favour of the defacto complainant. However, the petitioner herein demanded further sum of Rs.2.50 Crore from the defacto complainant. When the same was questioned, the accused threatened the petitioner with dire consequences. Hence the case.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that there was a civil dispute between the parties with regard to the execution of the sale deed and that the petitioner has threatened the defacto complainant and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the



CRL OP(MD). No.17722 of 2023

fact that it is a case of civil dispute, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following 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, Karaikudi 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:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 well as the trial Court on receipt of summons.

[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



CRL OP(MD). No.17722 of 2023

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/-
05/10/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.

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

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



CRL OP(MD). No.17722 of 2023

WEB COPY

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-14678[I] dated 05/10/2023)

ORDER
IN
CRL OP(MD) No.17722 of 2023
Date :05/10/2023

SA/DD/SAR. /10.10.2023/5P/6C

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