



CRL OP(MD)No.17995 of 2023

WEB COPY

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

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.17995 of 2023

Kalyani

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
CCB Police Station,
Madurai City.
(Crime No.02 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.02 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 IPC in Crime No.02 of 2023 on the file of the respondent police, seeks anticipatory bail.



CRL OP(MD)No.17995 of 2023

WEB COPY

2.The case of the prosecution is that believing the words of the second accused on 10.06.2022 the defacto complainant entered into sale agreement with the first accused and as per the sale agreement the total consideration of Rs.70,00,000/- and thereby the defacto complainant paid a sum of Rs.40,00,000/- to the first accused as advance. Before paying the advance amount the defacto complainant spoke with the third and fourth accused who are the owner of the property through phone and on their instructions he had given the advance amount to A1 and he received the original power deed from the first accused. Further the first and second accused received a sum of Rs.10,00,000/- and also received Rs.1,00,000/- as registration fee and thereby totally received Rs.51,00,000/- Thereafter when the defacto complainant obtained EC for the said property he came to know that the already the fifth accused had given the property to the sixth accused as Gift on 11.05.2020. When the same was questioned the first and second accused told that it was wrongly entered and after cancellation they will execute the sale deed, but they did not take any steps and thereby the defacto complainant asked to return the money, but the second accused switched off his mobile phone, thus they cheated the defacto complainant. Hence the case came to be registered.



CRL OP(MD)No.17995 of 2023

WEB COPY

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner has not executed any sale agreement to the defacto complainant on 10.06.2022 as stated in the complaint and this petitioner was impersonated by A2 and she has not received any amount. He would also submit that after complaint preferred by the defacto complainant only, the petitioner came to know about the impersonation done by one Balakrishnan, who is the second accused in this case. Thereafter, the petitioner gave a complaint to the Deputy Superintendent of Police, Madurai North on 21.04.2023 for taking action as against the said Balakrishnan. That apart, the alleged sale agreement is unregistered one. Therefore, the learned counsel appearing for the petitioner seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that this is second petition for anticipatory bail and there is no change in circumstances. Only after thorough investigation, the involvement of the petitioner came to light. Hence, he objected to grant anticipatory bail to the petitioner. However, he would fairly concede that the alleged sale agreement dated 10.06.2022 is unregistered one.



CRL OP(MD)No.17995 of 2023

WEB COPY

5.Considering the facts and circumstances of the case and considering the fact that the petitioner was impersonated by A2 and the petitioner gave a complaint as against A2 and also considering the fact that the petitioner has not received any amount and also taking into note of the fact that the alleged sale deed is unregistered one, 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.I, 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.



CRL OP(MD)No.17995 of 2023

WEB COPY

[b] the petitioner shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, 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/-
10/10/2023

/ TRUE COPY /

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

GNS



CRL OP(MD)No.17995 of 2023

TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE NO.I
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI .
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.SATHISHKUMAR, Advocate (SR-14938[I] dated 10/10/2023)

ORDER
IN

CRL OP(MD) No.17995 of 2023

Date :10/10/2023

SS/DD/16/10/2023/6P/6C

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