



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

Date : 21.03.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.21040 of 2022

N.Theivandran

... Petitioner / Accused No.1

Vs

1.State rep.by

The Inspector of Police,
Thallakulam Police Station,
Madurai City.

(In Crime No.78 of 2022)

... Respondent / Complainant

2.P.Kalyani

... Petitioner / Intervener /
Defacto Complainant

For Petitioner : Mr.S.Sades Kumar, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

For Intervenor : Mr.J.John, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.78 of 2022 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 Section 420 IPC in Crime No.78 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and her husband approached the petitioner to purchase property in Madurai and paid Rs.29,70,000/- and entered into an sale agreement and they agreed to pay the balance amount and register the same within one month. Later, the defacto complainant came to know that the petitioner is not the real owner of the property and hence, the



defacto complainant demanded the money back. However, the petitioner paid only Rs.6,00,000/- and promised to pay the remaining amount. However, he failed to pay the same. Hence, the case.

3. Heard both sides and perused the materials available in the record.

4. While this petition is pending, matter has been referred before the mediation. Before the mediation centre, the parties arrived for settlement. According to the settlement, the petitioner ought to have paid a sum of Rs.14,00,000/- in favour of the defacto complainant as full and final settlement. However, the learned counsel appearing for the petitioner seeks one month time to settle the entire amount.

5. Considering the above, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall pay the agreed amount of Rs.14,00,000/- by way of four instalments. The first instalment shall be paid on or before 28.03.2023. The second instalment shall be paid on or before 04.04.2023. The third instalment shall be paid on or before 11.04.2023 and the fourth instalment shall be paid on or before 18.04.2023.

6. On such payment made, 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.II, 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, daily at 10.30 A.M., for a period of four 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.

<https://www.mhc.tn.gov.in/jud> 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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/03/2023

/ TRUE COPY /

/04/2023

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

GNS

To

1.The Judicial Magistrate No.II,
Madurai.

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

3.The Inspector of Police,
Thallakulam Police Station,
Madurai City.

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

ORDER

IN

CRL OP(MD) No.21040 of 2022

Date :21/03/2023

ED/CG/SAR-4 (05/04/2023) 3P 5C