



CRL OP(MD)No.19570 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.11.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.19570 of 2023

R.Kannan

... Petitioner/ Accused No.6

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.6 of 2023)

... Respondent/De-jure complainant

For Petitioner : Mr.J.Sankarapandian, Advocate
for Mr.B.Chakkaravarthi, Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.6 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



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for the offences punishable under Sections 417, 420 and 120(b) IPC in Crime No.6 of

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2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1, A3 and A4 are sisters. The defacto complainant is the younger brother of the husband of A1. The accused have informed to the defacto complainant and his family that the property in S.No.2185/1 is ready to sale and sale amount was fixed as Rs.60,00,000/- and the same was also settled. The sale deed was executed in favour of the defacto complainant's father in the year 2017. In the year 2023, the defacto complainant came to understand that the land, which was purchased by him, is the punchami land and the accused persons cheated the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner purchased the property from one Murugeshwari, who is the power of attorney of one A.Kaliraj, through registered sale deed dated 30.09.2011 in Doc.No.4943 of 2011. Therefore, being the bonofide purchaser, the petitioner sold the property to the defacto complainant's father and he do not have knowledge about the nature of the land as stated by the



defacto complainant. Hence, he seeks anticipatory bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation in this case is not yet completed.

5.On perusal of records, it is noticed that the allegation as against the petitioner is that he sold the punchami land to the defacto complainant's father. It is also noticed that the petitioner filed title deed, sale deed dated 30.09.2011 and he being the bonofide purchaser, sold the property to the defacto complainant's father and he had no knowledge about the nature of the land.

6.Taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in 1980 AIR 1632 and *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others* reported in (2009)4 SCC 437 and *Joginder Kumar vs. State of U.P. and others* reported in (1994)4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent resident at Madurai District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar*



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reported in *AIR 1979 SC 1360* is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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, Theni on condition that the petitioner shall execute a **own** bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph 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 his identity.



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[b] the petitioner shall report before the trial Court on 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 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/-
02/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

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

+1 CC to M/s.B.CHAKKARAVARTHI, Advocate (SR-15853[I] dated 02/11/2023)

ORDER

IN

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Date :02/11/2023

SS/JGB/SAR- /22/11/2023/6P/6C

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