



CRL OP(MD) No.310 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.310 of 2024

1 P.JEYAPPAUL

2 MICHAEL RAJ

3 P.RAMESH

... PETITIONER/ ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY.
CRIME NO.25/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.DURAIPANDIAN.K.S Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Intervenor : M/s.JESSI JEEVA PRIYA, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.25/2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners / Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 465, 467, 471 and 120B of I.P.C. in Crime No.25 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's husband had executed a settlement deed in favour of her and she never entered into any sale agreement with the petitioners. However, the petitioner created a forged document in order to grab the defacto complainant's property. Hence, the defacto complainant made a complaint before the respondent Police and the respondent Police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence. He would further submit that the petitioners are ready to abide by any conditions imposed by this Court. He would further submit that already the first petitioner filed a suit in O.S.No.295 of 2022 seeking for the relief of specific performance on the file of the I Additional District Court, Madurai. He would further submit that when the said suit is pending, in order to deprive the right of the petitioners, a false case has been foisted against them. He would further submit that the petitioners are not aware about the settlement deed already executed in favour of the defacto



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complainant, however, the petitioners paid a sum of Rs.7,00,000/- to the defacto complainant's husband and thereafter, the sale was not executed in favour of them.

On instructions, he would further submit that till the disposal of the suit, the petitioners will not interfere with the peaceful possession and enjoyment of the defacto complainant's subject property. Hence, he prays for anticipatory bail.

4. Heard the learned counsel appearing for the intervener.

5. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation is going on.

6. Considering the facts and circumstances of the case and considering the undertaking given by the petitioners before this Court and also considering the fact that the civil suit is already pending between the parties, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their 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, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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:

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(a).if the petitioners 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 petitioners shall report before the respondent as and when required for interrogation;

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

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

(f).on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on



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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/-
10/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
MADURAI CITY.

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

+1. CC to M/S.P.JESSI JEEVA PRIYA, Advocate SR.No.1225 (F) DT.11/01/2024



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ORDER
IN
CRL OP(MD) No.310 of 2024
Date :10/01/2024

SA/VR/SAR. /23.01.2024/6P/6C

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