



CRL OP(MD) No.2358 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2358 of 2024

K.DHARMENTHIRA

... PETITIONER / ACCUSED 1

Vs

THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT
CRIME NO. 389 OF 2021

... RESPONDENT

For Petitioner : M/S.MOHIDEEN BASHA.N Advocate

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

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 389/2021 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 420, 465 and 506(i) of IPC in Crime No.389 of 2021,
seek anticipatory bail.



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2. The case of the prosecution is that the defacto complainant belongs to most deprived community and the land comprised in Survey No.227/6A and 227/7A of 9, Pudukudi Vadapaathi Village, Thanjavur District, was granted to the people belonging to the said community people by the Government of Tamil Nadu in the year 1972 and that houses were constructed in the year 1977 in the said land and 13 families belonging to the said community including the defacto complainant's family. The petitioner/A1 entered into an unregistered sale agreement to purchase a property and with malafide intention, he had also included the Survey Nos.227/6A and 227/7A in the said agreement and that he had mutated the same in his name. Thereafter, the petitioner threatened the defacto complainant, thereby, the present complaint has been lodged.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Earlier, the petitioner filed a suit for specific performance in O.S.No.84 of 2005 before the Principal District Court, Thanjavur, and the suit was decreed exparte in favour of the petitioner and thereafter, he filed an execution petition in E.P.No.14 of 2006 to execute the order, so the Principal District Court, Thanjavur, executed a registered sale deed in favour of the petitioner. Thereafter, E.A.No.155 of 2011 in E.P.No.14 of 2006 was filed to handover the



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possession to the said land and the said land was handed over to the petitioner on 08.10.2012, henceforth, the petitioner is in peaceful possession and enjoyment of the said land and mutation has been effected in the petitioner's name in Patta and A-Register. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the earlier anticipatory bail application was dismissed as infructuous by this Court, on the ground that the petitioner has filed a petition to quash the FIR and this Court passed an order, granting interim stay. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that it appears to be a civil dispute between the parties, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thanjavur, 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 and on further



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condition that:

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(a)if the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for the period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

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

(e)the petitioner 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 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]; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
15/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE
SENGIPATTI POLICE STATION,
THANJAVUR DISTRICT

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

ORDER
IN
CRL OP(MD) No.2358 of 2024
Date :15/02/2024

SA/GS/SAR. /29.02.2024/5P/5C

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