



CRL OP(MD) No.2321 of 2024

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

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2321 of 2024

1 KANNAN

2 DEVA DURGA

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE
SS COLONY POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
(CRIME NO.1841 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.BALAJI 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.1841 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent



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police for the alleged offence under Sections 406 & 420 of IPC in Crime No.1841 of

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2023, seeks anticipatory bail.

2.The case of the prosecution is that petitioners herein are the husband and wife. One Rajkumar, who is the friend of the defacto complainant entered into agreement with the petitioners for constructing a house. However, it is alleged that the petitioners have not paid the remaining amount. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that when one Rajkumar and the petitioners entered into an agreement for constructing a house, the defacto complainant made a complaint against the petitioners is not sustainable one. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the agreement is only between the petitioners and one Rajkumar. But, the said Rajkumar did not make any complaint against the petitioners.



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5. Considering the facts and circumstances of the case and also considering the facts that the the agreement is only between the petitioners and one Rajkumar for construction of house and also the said Rajkumar did not make any complaint against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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.V, 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:

(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;



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(c) the petitioners shall report before the respondent police as 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 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/-

14/02/2024

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/02/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
SS COLONY POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-1874[I] dated 14/02/2024)

ORDER
IN
CRL OP(MD) No.2321 of 2024
Date :14/02/2024

SS/GS/SAR- /19/02/2024/5P/6C

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