



CRL OP(MD) No.2750 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2750 of 2024

1 NATARAJAN

2 SELVI

... PETITIONERS/ ACCUSED NO.1&2

Vs

THE INSPECTOR OF POLICE
KUMBAKKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.90 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.SUREKHA, Advocate
for M/S.ARULSELVAN S Advocate

For Respondent : MR.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.90 OF 2022 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



CRL OP(MD) No.2750 of 2024

respondent police for the alleged offence under Sections 294(b), 406, 420 and 506(i) IPC, in Crime No.90 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners decided to purchase a property from the defacto complainant. They entered into a sale agreement for sale consideration of Rs.18,90,000/-. They paid Rs.2 lakhs as advance and made pro-note to settle the remaining amount within a period of 6 months. But, they failed to repay the remaining amount. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

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 it is purely a civil dispute in between the petitioners and the defacto complainant. In stead of file a civil suit before the competent civil Court, the defacto complainant lodged a complaint against the petitioners is not sustainable one. Hence, she prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State



CRL OP(MD) No.2750 of 2024

submitted that the petitioners decided to purchase a property from the defacto complainant. The petitioners paid Rs.2 lakhs as advance and also failed to pay the remaining amount. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

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 and it has to be ventilated only before the competent civil Court, 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.I, Kumbakonam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) common surety 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:



CRL OP(MD) No.2750 of 2024

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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 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



CRL OP(MD) No.2750 of 2024

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/-
22/02/2024

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

DSS

TO

1.THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE
KUMBAKKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.A.ARUL SELVAN, Advocate (SR-2261[I] dated 22/02/2024)



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CRL OP(MD) No.2750 of 2024

ORDER

IN

CRL OP(MD) No.2750 of 2024

Date :22/02/2024

RK/VR (28/02/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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