



CRL OP(MD) No.3594 of 2024

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

Wednesday, the Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3594 of 2024

1 D.JEYANTHY

2 N.MUTHUVEL

... PETITIONERS / ACCUSED 1 AND 2

Vs

THE INSPECTOR OF POLICE  
SIVAKASI EAST POLICE STATION,  
SIVAKASI,  
VIRUDHUNAGAR DISTRICT.  
CRIME NO.78 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/s.LAKSHMI GOPINATHAN, Advocate for  
M/S.POLAX LEGAL SOLUTIONS

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

For Intervener : M/S.C.SUSIKUMAR, Advocate

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.78 OF 2024 ON THE FILE OF THE  
RESPONDENT POLICE.



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**ORDER:** The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 120B, 406 and 420 IPC, in Crime No.78 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is doing real estate business, has paid a sum of Rs.80,00,000/- to the petitioners for purchase of their property in Madurai and he got power of attorney from them. When he was trying to sell the property to another party, the petitioners had cancelled the power deed, thereby, cheated him and tried to alienate the property.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The first petitioner is a Teacher and the second petitioner is a LIC agent. The second petitioner had availed a sum of Rs.25,00,000/- as lone for huge interest from the defacto complainant. Towards security, the defacto complainant demanded a registered power deed in his favour in respect of the land of the first petitioner and hence, the first petitioner had also executed the same on 06.01.2023, vide D.No.218 of 2023 and subsequently, he repaid the loan amount and the power deed was cancelled on 24.01.2024. However, the petitioners are ready to deposit a sum of Rs.25,00,000/- to the credit of Crime No.78



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of 2024 before the concerned trial court, without prejudice to their right and contention. Further, this Court may issue a direction to the defacto complainant to deposit entire original documents in respect of the property in dispute before the concerned trial Court till conclusion of the trial.

4. The learned Government Advocate (Crl.Side) would submit that the petitioners had entered into the sale agreement with the defacto complainant for Rs.80,00,000/- and executed the power of attorney in favour of the defacto complainant. Subsequently, the power of attorney was cancelled by the petitioners and they tried to alienate the said property. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and it appears to be a civil dispute between the petitioners and the defacto complainant, 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, 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



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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 deposit a sum of **Rs.25,00,000/- (Rupees Twenty Five Lakhs only)** to the credit of the Crime No.78 of 2024 before the concerned trial Court, without prejudice to their defence before the trial Court, within a period of four weeks from the date of receipt of copy of this order. **The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;**

(d)the petitioners shall report before the respondent Police as and when required for interrogation,;



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

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

(g) the defacto complainant is directed to deposit entire original title deeds and other documents in respect of the property in dispute, in the Crime No.78 of 2024 before the concerned trial Court, without prejudice his right and contention, till conclusion of the trial;

(h) 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;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/03/2024

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II  
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE  
SIVAKASI EAST POLICE STATION,  
SIVAKASI,  
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate ( SR-2971[I] dated  
08/03/2024 )

ORDER  
IN

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Date :06/03/2024

SS/VR/SAR- /15/03/2024/6P/6C

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