



CRL OP(MD). No.9880 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9880 of 2024

A.Kuthalingam

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Devadanapatti Police Station
Theni District
Crime No.427/2023

... Respondent/Complainant

For Petitioner : M/s.A.Kalaiarasi, Advocate

For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr No.427/2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Cr.No.427 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his daughter (A2) have



CRL OP(MD). No.9880 of 2024

WEB COPY

received a sum of Rs.12,00,000/- from the defacto complainant in order to leasing out their Coconut Grove for a period of 3 years. But, Thereafter, they neither executed the lease deed and nor repaid the amount. Thereby, they cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that it is purely a civil dispute. The defacto complainant tried to give a criminal colour to the civil dispute. The total lease deed amount is Rs.40,00,000/-. The amount paid by him is Rs.12,00,000/- only. Without paying the balance amount of Rs.28,00,000/-, he harvested the coconuts worth about Rs.17,00,000/- from the grove for more than four times. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and his daughter (A2) have received a sum of Rs.12,00,000/- from the defacto complainant in order to leasing out their Coconut Grove for a period of 3 years and thereafter, they neither executed the lease deed and nor repaid the amount. He would further submit that the investigation is in preliminary stage. Hence, he strongly opposed to grant anticipatory bail to the petitioner.



CRL OP(MD). No.9880 of 2024

WEB COPY

5.Considering the facts and circumstances of the case and also considering the fact that the matter is purely civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police once a week on every Saturday at 10.30 am until further orders;

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

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



CRL OP(MD). No.9880 of 2024

WEB COPY

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;

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

sd/-
05/07/2024

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/07/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.

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



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CRL OP(MD). No.9880 of 2024

ORDER

IN

CRL OP(MD) No.9880 of 2024

Date :05/07/2024

RS/JGB/SAR-(16.07.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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