



CRL OP(MD). No.11483 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2024

PRESENT

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

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1. M.Saroja

(*)2. Thalapathi Sivaji

... Petitioners/ Accused Nos.2&3

Vs

The Inspector of Police,
District Crime Branch,
Ramanathapuram.
Crime No. 11/2024.

... Respondent/Complainant

R.Thangapandiyan

...Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No.7550/2024

For Petitioner : M/s. Kalpana.B,
Advocate.

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

For Intervener : Mr.B.Senthil Kumar, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

<https://www.mhc.tn.gov.in/judis>



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PRAYER:-

For Anticipatory Bail in Crime No. 11 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 & 506(i) of IPC, in Crime No.11 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the accused received a sum of Rs.36,00,000/- from the defacto complainant for dividing and selling the property as plots. Thereafter, they failed to do the same and also failed to repay the amount. Thereby, they cheated the defacto complainant. When the same was questioned by the defacto complainant, they abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned counsel for the defacto complainant would submit that the accused have received a sum of Rs.36,00,000/- from the defacto complainant for dividing and selling the property as plots. Thereafter, they failed to do the same and also failed to repay the amount. Thereby, they cheated the defacto complainant. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor would submit that the investigation is still pending. However, he fairly conceded that the dispute between the parties is civil in nature.

6.Considering the facts and circumstances of the case and also considering the fact that it is civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or 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.II, Ramanathapuram, 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



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the learned Magistrate concerned and on further conditions that:

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(a) the petitioners 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 petitioners shall report before the respondent police weekly once i.e., every Saturday at 10.30 am until further orders;

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

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

(e) 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;



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

sd/-
29/07/2024

(*)AMENDED AS PER ORDER OF THE COURT DATED 20.08.2024 IN CRL MP(MD) NO.8455 OF 2024 IN CRL OP(MD)NO.11483 OF 2024 BY DBCJ

ORDER DATED 29.07.2024 IN CRL OP(MD) NO.11483 OF 2024 IS EXTENDED FOR A PERIOD OF TWO WEEKS FROM THE DATE OF RECEIPT OF AMENDED COPY OF THIS ORDER.

/ TRUE COPY /

/08/2024

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

DSS

TO

(*)To be substituted with the order dated 29/07/2024 already despatched

1. The Judicial Magistrate No.II, Ramanathapuram,
2. Do-Through The Chief Judicial Magistrate, Ramanathapuram District.
- 3.The Inspector of Police,
District Crime Branch, Ramanathapuram.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.KALPANA, Advocate (SR-8963[I] dated 30/07/2024)

ORDER
IN

CRL OP(MD) No.11483 of 2024

Date :29/07/2024

RK/GS (09/08/2024) 6P / 6C

PSP /JGB (29.08.2024) 6P/6C

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