



CRL OP(MD). No.12163 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.12163 of 2024

1. P.Sethuraman,

2. Valarmathi,

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Theni Police Station
Theni District.
Crime No.297/2024.

... Respondent/Complainant

For Petitioners : Mr.Anandhapadmanan, Advocate
For M/s.APN Law Associates

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervener : Mr.K.Dinesh,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.297 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

The petitioners / Accused Nos.1 & 2, who apprehend arrest at the hands of the respondent Police for the offences under Sections 406, 420, 294(b) and 506(i) of IPC in Crime No.297 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the property belongs to Accused No.1 and the defacto complainant was interested in purchasing this property and hence, sold 100 sovereigns of jewels and was able to arrange for 34.60 lakhs, which was paid to the accused persons at the time of entering into sale agreement. That after the receipt of the amount, Accused No.1 is said to have executed a settlement deed in favour of Accused No.3. The accused persons were not forthcoming to execute the sale deed and the amount was also not returned back.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. An attempt was made to resolve this dispute amicably by referring the parties to mediation. The parties were not able to come to any settlement.

5. Taking into consideration the facts and circumstances of the case and the nature of transaction that has taken place between the parties and also the fact that the entire case is borne out by records, this Court is inclined to grant anticipatory bail

to the petitioner subject to the following conditions



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6. Accordingly, the petitioners are ordered to be released on anticipatory 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, Theni, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[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 absconds, a fresh FIR can be registered under
Section 269 of BNS 2023.

sd/-
27/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

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

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

+1 CC to M/s.M/S.APN LAW ASSOCIATES, Advocate (SR-14629[I] dated
28/11/2024)



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ORDER
IN
CRL OP(MD) No.12163 of 2024
Date :27/11/2024

SA/VR/SAR. /04.12.2024/5P/C

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