



CRL OP(MD). No.21547 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21547 of 2024

Manoharan

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
Cr.No.304/2024..

... Respondent/ Complainant

For Petitioner : Mr.Venkatesh, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.304 of 2024 on the file of the respondent police.



CRL OP(MD). No.21547 of 2024

ORDER : The Court made the following order :-

WEB COPY

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b), 406, 420, 506(i) of I.P.C., in Crime No. 304 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant entered into an agreement of sale with the petitioner (A1) to purchase the subject property. An advance amount of Rs. 12 lakhs was paid to the petitioner. The petitioner was expected to redeem the mortgage and sell the property in favour of the defacto complainant. However, the petitioner sold the property in favour of A2 on 04.11.2022.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4.Taking into consideration of the facts and circumstances of the case and considering the fact that civil dispute is involved in this case and already defacto complainant filed a suit for specific performance in O.S No.65 of 2024 on the file of 4th

Additional District and Sessions Court, Tirunelveli, this Court is inclined to grant



CRL OP(MD). No.21547 of 2024

anticipatory bail to the petitioner subject to the certain conditions:

WEB COPY

5. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Radhapuram, 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.21547 of 2024

[e] the petitioner 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 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
09/12/2024

/ TRUE COPY /

/12/2024

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

PNM

TO

1. The Judicial Magistrate, Radhapuram
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.



CRL OP(MD). No.21547 of 2024

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

ORDER
IN
CRL OP(MD) No.21547 of 2024
Date :09/12/2024

RK/SKN(13/12/2024) 5P / 5C

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