



CRL OP(MD) No.23607 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23607 of 2023

1 K.KRISHNAN

2 KIRUBAN SANGEETH ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION,
THOTTIYAM,
TRICHY DISTRICT.

(IN CRIME NO NOT KNOWN IN 2023) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SUNDAR, Advocate

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

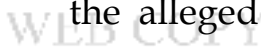
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. NOT KNOWN OF 2023 ON THE
FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for



2. When the matter is taken up for hearing, the learned Government Advocate (CrI.side) appearing for the respondent police would submit that when the enquiry was pending, the present petition came to be filed and now, a case is registered as against the petitioners and two other accused persons in Cr.No.408 of 2023 for the offence punishable under Sections 147, 341, 294(b), 506(i) IPC, by the respondent police and investigation in this case is pending.

3.The case of the prosecution is that the defacto complainant executed sale deed, with regard to the land to an extent of 6.5 acres, in favour of the second petitioner, who is son of the first petitioner and obtained a sum of Rs.8,00,000/-, on the promise that on repayment of the entire amount, they should re-transfer the land in favour of the defacto complainant. Even after repayment of the entire amount, the accused persons claimed a sum of Rs.32 Lakhs exorbitantly and also threatened the defacto complainant.

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners filed a civil suit in

O.S.No.126 of 2020 on the file of the District Munsif, Musiri for declaration and the



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defacto complainant also filed a suit in O.S.No.252 of 2018 on the file of the learned II Additional District Judge, Trichy as against the petitioners for declaration. He would also submit that it is pure civil dispute, which is given criminal colour. Therefore, he prayed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that already civil suits are pending between the parties, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on 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, Thottiyam 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 learned Magistrate concerned and on further condition that:

(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



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pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police as and when required;

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

(e)the petitioners 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 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;

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

sd/-
05/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS
TO

- 1 THE JUDICIAL MAGISTRATE,
THOTTIYAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION,
THOTTIYAM,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SUNDAR, Advocate (SR-289[I] dated 08/01/2024)

ORDER
IN

CRL OP(MD) No.23607 of 2023
Date :05/01/2024

PKP/DD/SAR- /10.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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