



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

Monday, the Thirty First day of October Two Thousand Eleven

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU

CRL OP (MD) No.10180 of 2011

1 DHANALAKSHMI
2 RAMABIRAN
3 SANTHA LAKSHMI
4 GOKILAVANI
5 MUGUNTHAN,

... PETITIONERS/ACCUSED NO.1 - 5

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGR DISTRICT
(IN CRIME NO.639/2011)

... RESPONDENT/COMPLAINANT

K.PALANIAPPAN

... PETITIONER/INTERVENER

For Petitioner : M/S. J.BALA SUBRAMANIAN Advocate

For Respondent : MR.K.S.DURAIPANDI,
Addl.Public Prosecutor(Crl.Side)

For Intervener : Mr.G.MARIAPPAN, Advocate

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for offences under Sections 420, 465, 468 and 120(B) of the Indian Penal Code in Crime No.639 of 2011, the petitioners are now before this Court seeking anticipatory bail.

2. According to the case of prosecution, the petitioners entered into a sale agreement with the defacto complainant thereby agreeing to sell their landed properties. At the time of agreement, a sum of Rs.1,00,000/- was paid as advance and subsequently, some more amount was also paid. Having received the said amounts, the petitioners have declined to execute the sale in favour of the defacto complainant. Therefore, the defacto complainant has preferred a

<https://hcservices.products.gov.in/hcservices/>

3. The defacto complainant has filed M.P.No.1 of 2011 seeking to intervene and the same has been allowed. Reiterating the above



submissions, the learned counsel for the intervener would oppose the grant of Anticipatory Bail to the petitioners.

4. The learned counsel for the petitioner would submit that already a Civil Suit in O.S.No.296 of 2010 has been filed before the learned District Munsif, Virudhunagar, where the entire amount has been deposited into the Court.

5. I have considered the above submissions. The very fact that already a Civil Suit has been filed and the petitioners have already deposited the said amount would go to show that the petitioners have not cheated the defacto complainant and there is only a dispute regarding the performance of the contract based on the sale agreement.

6. In such view of the matter, I am inclined to grant anti to the petitioners, but with conditions.

7. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Virudhunagar, on executing a separate 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

Sd/-

31/10/2011

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR

2 THE INSEPCTOR OF POLICE,
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGR DT

3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S. J.BALA SUBRAMANIAN Advocate SR.No.37261
+1CC TO MR.G.MARIAPPAN, ADVOCATE, SR.NO. 37238

ssk/01.11.2011 /6c -2p/-

ORDER
IN

CRL OP(MD) No.10180 of 2011
Date :31/10/2011