

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, DINDIGUL
PRESENT: Selvi. M.K. Jamuna, M.L.,
Principal Sessions Judge, Dindigul.
Wednesday, the 02nd day of June 2021
CV CrI.M.P. No.28/2021 and CrI.M.P. 1874/2021

1. Sivaganamalaiandi, 58/2021
S/o. Sithiram Pillai
2. Siththagurubalan, 39/2021
S/o. Sivaganamalaiandi
3. Sitharanjan, 37/2021
S/o. Sivaganamaliandi .. Petitioners/A1 to A3 in CV CrI.M.P. No.28/2021

Syed Meeran, 54/2021 .. Petitioner in CrI.M.P. No.1874/2021 / Defacto
S/o. Mohamed Ali complainant / Intervenor

/vs/

State through
Inspector of Police, Dindigul DCB PS. . Respondent/Complainant
Cr. No.15/2021 .

This e-bail petitions is coming on this day for hearing before me in the presence of Thiru.A.Sivakumar, Advocate for the petitioners in CV CrI.M.P.28/2021 and of Thiru.M.Farhathullah, Advocate for the petitioner in CrI.M.P.1874/2021 and of Thiru.R.Manoharan, Public Prosecutor for the state are on record and on considering the online submissions of either side and on perusal of available records, this court passed the following

COMMON ORDER

Petition in CV CrI.M.P. No. **28/2021** filed u/s. 438 Cr.P.C. petitioners/A1 to A3 pray to grant them anticipatory bail for the offences punishable U/S.406, 420, 506(i) IPC in Cr. No.15/2021 of the respondent police. The occurrence took place on 04.10.2015.

The petitioner in CrI.M.P. No.1874/2021/Intervenor/defacto complainant has filed a petition for dismissal of the anticipatory bail petition filed by the petitioners/A1 to A3.

The learned counsel for the Petitioners/A1 to A3 in CV CrI.M.P. No.28/2021 stated that the genesis of the occurrence is wrongly stated, that the matter is a civil nature, that knowing facts very well, suppressed the same, the defacto complainant lodged the false complaint with an ulterior motive, added the petitioners as accused in frivolous way for his own means, and that in order to colour the civil dispute as criminal one, this false complaint has been foisted with false allegations, that the petitioners are law abiding citizens, that since they have permanent abode, there is no chance for absconding, that the petitioners apprehend arrest and he prays for anticipatory bail.

The learned counsel for the Intervenor filed an intervenor petition in Crl.M.P. No.1874/2021 by stating that agreement entered into between the defacto complainant and the accused on 4.10.2015 to sell the property bearing S.No.605/5B measuring 7 Acres and 57 cents for Rs.15,000/- per acre and the amount were fully paid but they have no intention to perform their part of contract and threatened the defacto complainant to his life and therefore the anticipatory bail petition is liable to be dismissed.

The learned Public Prosecutor for the State vehemently raised objection for anticipatory bail by stating that A2 and A3 are sons of A1, that the accused and defacto complainant entered into agreement to sell the property bearing S.No.605/5B measuring 7 Acres and 57 cents for Rs.15,000/- per acre. That within 6 months the land has to be sub divided into house sites. In pursuance of the agreement, the defacto complainant paid Rs.5,00,000/- as advance amount to the accused and entered a sale agreement on 4.10.2015, that they have not performed the part of their contract and they sold the property and threatened him, hence the case.

Online submission of either side heard. Records perused. that the accused and defacto complainant entered into agreement to sell the property bearing S.No.605/5B measuring 7 Acres and 57 cents at Rs.15,000/- per acre , totally Rs.1,13,55,000/-. That within 6 months the land has to be sub divided into house site. In pursuance of the agreement, the defacto complainant paid Rs.5,00,000/- as advance amount to the accused and entered a sale agreement on 4.10.2015. It was alleged that they have not performed their part of their contract and they sold the property and they have not paid the amount as alleged. This complaint was lodged u/sec.156(3) and considering the facts that the matter appears to be civil in nature and the objections raised by the intervener and on considering the pandemic situation and prevention measure of COVID-19 Pandemic and the urgent need and necessity to ensure social distancing, this Court inclines to grant anticipatory bail to the petitioners/A1 to A3 with stringent condition. **Anticipatory bail is granted to the petitioners/A1 to A3 in CV.Crl.M.P. No.28/2021 with the following conditions. The Intervener petition in Crl.M.P.No.1874/2021 is closed.**

1. The petitioner/A1 in CV.Crl.M.P.No.28/2021 is directed to pay a sum of Rs.9,000/- (Rupees Nine Thousand only), A2 in CV.Crl.M.P.No.28/2021 is directed to pay a sum of Rs.8,000/- (Rupees Eight thousand only) and A3 in CV.Crl.M.P.No.28/2021 is directed to pay a sum of Rs.8,000/- (Rupees Eight thousand only) as non-refundable amount, without prejudice of their rights, to the account of "Dean, Dindigul Medical College Head Quarters Hospital, Dindigul - 624 001 - Account No.5616101004223 / IFSC Code No.CNRB0005616 (Canara Bank, Salai Road, Dindigul Branch) on or before 14.06.2021 for Corona Relief Activities. The Hospital Authorities are instructed to utilize the said amount to improve the infrastructure facilities of the hospital.

.3.

2. The petitioners/A1 to A3 in CV.Crl.M.P.No.28/2021 shall in the event of arrest by the respondent police or their surrender before the learned Judicial Magistrate NO.II, Dindigul **in between the period from 20.7.2021 to 3.08.2021** be released on bail on production of acknowledgement for payment and on executing their own bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of the learned Magistrate without fail, failing which the anticipatory bail shall stand cancelled automatically.
3. The petitioners/A1 to A3 in CV.Crl.M.P.No.28/2021 shall make themselves available for interrogation by the police officer as and when required.
4. The petitioners/A1 to A3 in CV.Crl.M.P.No.28/2021 shall not directly or indirectly make any inducement threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.
5. The petitioners/A1 to A3 in CV.Crl.M.P.No.28/2021 shall not leave the town without prior permission of the court.
6. The petitioners/A1 to A3 in CV.Crl.M.P.No.28/2021 shall not tamper with evidence or witness either during investigation or trial.
7. The petitioners/A1 to A3 in CV.Crl.M.P.No.28/2021 shall not abscond either during investigation or trial.

Pronounced by me, this the 02nd day of June 2021..

**Principal Sessions Judge,
Dindigul.**

- Since this bail order is electronically generated, does not require signature and court seal.
- This bail order is available in E-Courts Official Web Site,
“ <https://districts.ecourts.gov.in/case status/case number>”.

Copy to

The Judicial Magistrate No.II, Dindigul

The Public Prosecutor, Dindigul.

The Inspector of Police, Dindigul DCB PS., To ensure social distancing, they are requested to download the order from the official web site link.

Thiru.A.Sivakumar, Advocate
for the petitioners/Accused

Thiru.M.Farhathullah, Advocate for
the Intervenor.