



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11918 of 2016

J. ALAGESHKUMAR

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 172 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.PALANI VELAYUTHAM Advocate

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

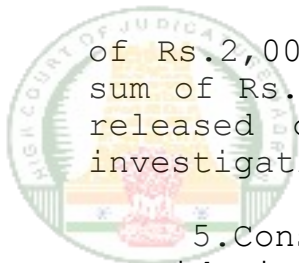
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused, who was arrested and remanded to judicial custody on 11.06.2016 for the alleged offences punishable under Sections 294(b), 406, 420 and 506(i) IPC, in Crime No.172 of 2016, on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that the petitioner agreed to sell the property to the de facto complainant and received a sum of Rs.2,00,000/- and promised to execute an agreement of sale. Subsequently, he did not execute any agreement and execute the sale deed. When the same was demanded, the petitioner gave evasive reply and stated that he has to consult his family members and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. Due to previous motive, a false complaint has been given. He did not agree to sell the property and he is ready to deposit a sum of Rs.1,50,000/- before the concerned Court. The petitioner is in judicial custody from 11.06.2016.



of Rs.2,00,000/-, failed to sell the property and returned only a sum of Rs.50,000/-. Investigation is pending. If the petitioner is released on bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 11.06.2016 and the petitioner already returned a sum of Rs.50,000/- and also considering the contention made on the side of the petitioner that the petitioner is willing to deposit a sum of Rs.1,50,000/-, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall deposit a sum of Rs.1,50,000/- to the credit of Crime No.172 of 2016 before the learned Judicial Magistrate, Nilakottai, Dindigul District and he 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 learned Judicial Magistrate, Nilakottai, Dindigul District.
- (ii) the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial.
- (v) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-
25/07/2016

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, NILAKOTTAI, DINDIGUL DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT

3 THE INSPECTOR OF POLICE, PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

5 THE OFFICER INCHARGE, SUB JAIL, NILAKOTTAI,
DINDIGUL DISTRICT.

+1. CC to M/S S.PALANI VELAYUTHAM Advocate SR.No.39278

GJM/SK/SKN/SAR-II-25.7.16-3P-7C

ORDER

IN

CRL OP (MD) No.11918 of 2016

Date :25/07/2016