



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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3133 of 2019

A.RAJESH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
CRIME NO.4/2019

... RESPONDENT / COMPLAINANT

A.SELVARANI

... PETITIONER/ INTERVENER

For Petitioner: Mr.RAJAKARTHIKEYAN, Advocate for
Mr.M.JOTHIRAMALINGAM, Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervenor : Mr.M.MAHARAJA, Advocate

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 406, 420 and 506 (ii) of IPC, in Crime No.4 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other persons are running a company in the name and style of 'Jeyam Wealth Agrotech Limited'. The defacto complainant, who is the agent of the said company had collected a huge amount of Rs.1,10,00,000/- from 50 deposit holders on the basis of the false promise given by the petitioner company as they would give lands equivalent to the deposit amount. But, the petitioners neither repaid the collected deposit amount nor gave the land as promised. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He

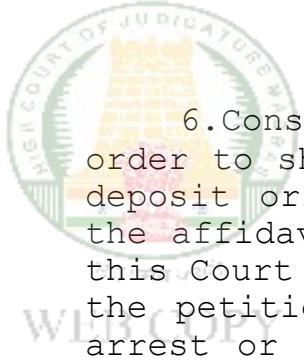
would further submit that the petitioner is ready to deposit the original title deeds pertaining to the lands mentioned in affidavit filed by him before the learned Magistrate concerned, without prejudice to his defence before the trial Court. Hence, the learned counsel prayed for anticipatory bail to the petitioner. Further, the learned counsel for the petitioner submitted that the petitioner's Company having proposal to give the following land to the deposit holders as per the scheme;

Survey No.	Place of the land	Area of the land
1586/2 1586/2A 1586/2b	Jeyamangalam Bit-II	1 Acre 2 Cents
1662/1 1662/2	Erumalainayakkan patti Jeyamangalam Bit-II	1 Acre 33 ½ Cents 2 Acre 67 Cents

Survey No.	Place of Land	Area of the Land
394/A1A	Jeyamangalam Bit-II	1 Acre
380/2B	Shanmugasundara puram	64 Cents
381/2	Shanmugasundara puram	59 Cents
1644/2A 1645/3A 1645/2B 1644/3	Jeyamangalam	32 Cents 1 Acre 15 Cents 67 Cents 2 Acre 34 Cents
1645/2B	Jeyamangalam Bit-II	4 Acre 32 Cents
521/3 524/3 524/2 524/1 521/2A	Kullapuram	3 Acres 66 Cents

4. Mr.M.Maharaja, the learned counsel for the intervener submitted that if the petitioner deposits the original title deeds pertaining to the lands mentioned in the affidavit filed by him before the Magistrate concerned, he has no objection to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent police would submit that if the petitioner deposits the original title deeds pertaining to the lands mentioned in the affidavit filed by him before the learned Magistrate concerned, this Court may consider the anticipatory bail application of the petitioner.



6. Considering the facts and circumstances of the case and in order to show his *bona fide*, the petitioner has now come forward to deposit original title deeds pertaining to the lands mentioned in the affidavit filed by him before the learned Magistrate concerned, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on 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, Theni, on condition that the petitioner 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) The petitioner is directed to deposit the original title deeds pertaining to the lands mentioned in the affidavit filed by him, with an affidavit undertaking that he will not make any alienation in respect of the properties, to which, the title deeds have been deposited before the learned Magistrate. The petitioner is at liberty to move the Court concerned after repaying the amount to all the depositors, for seeking alienation of the properties.

(b) the petitioner and the sureties shall affix his photograph 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 daily at 10.30 a.m until further orders.

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

(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 petitioners 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 229-A IPC.

sd/-

04/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.JOTHIRAMALINGAM, Advocate SR.No.59210

ORDER
IN
CRL OP(MD) No.3133 of 2019
Date :04/04/2019

MS/PN/SAR-1/08.04.2019/4P.6C