



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

Tuesday, the Second day of July Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7685 of 2019

G.RADHAKRISHNAN

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
ANDIPATTI POLICE STATION,  
THENI DISTRICT.  
(CRIME NO.NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

S.KARIKALAN

... INTERVENER/DEFACTO COMPLAINANT

For Petitioner : MR.C.JEGANATHAN, Advocate  
for M/S.VEERA ASSOCIATES

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

For Intervener : MR.C.PETHANASWAMY, Advocate

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

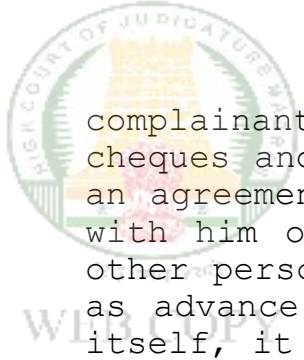
ORDER : The Court Made the following order :-

When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that in this petition, the rank of the petitioner herein is mentioned as 'sole accused'. But, as per F.I.R, the rank of the petitioner herein is A-1; Further, crime number is mentioned as 'not known' in this petition. But the actual crime number is 258/2019 and the offences are mentioned as 406, 420 and 506(i) I.P.C, but as per F.I.R, the actual Sections are 294(b), 406, 420 and 506(ii) I.P.C. He has filed a memo to that effect.

2.The said memo is recorded.

3.The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(ii) of IPC in Crime No. 258 of 2019, seeks anticipatory bail.

4.The learned counsel appearing for the petitioner has submitted that the petitioner has borrowed a sum of Rs.1,00,000/- from the defacto complainant and at that time, the defacto



complainant has obtained signatures in blank papers and also blank cheques and by using the same, the defacto complainant has prepared an agreement as if the petitioner has entered into a sale agreement with him on 05.04.2019 in respect of the property belongs to some other person for Rs.12,80,000/- and received a sum of Rs.6,50,000/- as advance. He further submitted that even in the said agreement itself, it is clearly stated that the property belongs to some other person. That itself shows that the agreement is not a genuine one. He further submitted, on instructions, that the petitioner is ready to deposit a sum of Rs.1,00,000/- before the Court without prejudice to his defence and hence, he prayed to grant anticipatory bail to the petitioner.

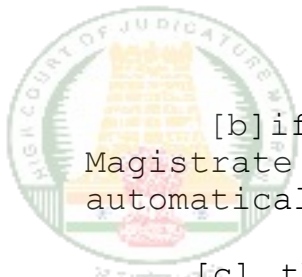
5.The learned counsel for the intervenor/defacto complainant has submitted that the property is situated in S.No.2338/1, measuring 9 cents belongs to one Amose and the said property is in the custody of the petitioner and on believing his words, the defacto complainant entered into a sale agreement on 05.04.2019 and paid a sum of Rs.6,50,000/- as advance. Subsequently, he came to know that the said property neither belongs to the petitioner nor belongs to the said Amose and hence, the petitioner has cheated the defacto complainant. Therefore, he strongly opposed this petition.

6.The learned Additional Public Prosecutor appearing for the respondent has adopted the arguments advanced by the learned counsel for the intervenor and he also opposed this petition.

7.In the alleged sale agreement itself, it is stated that the said property belongs to one Amose and the petitioner is not the owner of the property and in such a case, it is not known how the defacto complainant entered a sale agreement with the petitioner. Further, it is the duty of the defacto complainant to verify title before entering any sale agreement. Taking into consideration of the said fact and also the submission made by the learned counsel for the petitioner that the petitioner is ready to deposit a sum of Rs.1,00,000/- before the Court without prejudice to his defence, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni District on condition that the petitioner 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Cr.No.258 of 2019 before the Court of the learned Judicial Magistrate, Andipatti, Theni District;



[b]if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/07/2019

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

TO

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

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.10992

ORDER

IN

CRL OP(MD) No.7685 of 2019

Date :02/07/2019