



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22420 of 2018

R.VELUKANTHA PERUMAL

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.903/2016

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.SARAVANAN, Advocate

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

For Intervenor : Mr.R.MAHESWARAN, Advocate

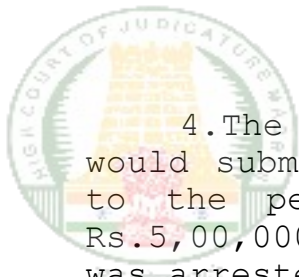
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 25.11.2018 for the offence punishable under Section 420 IPC in Crime No.903 of 2016, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 16.07.2013, there was an agreement for sale of house site property of the petitioner for which he had received a sum of Rs.33,00,000/- (Rupees Thirty Three Lakhs Only) on various dates. Despite receipt of the sale amount as agreed, he has not executed a sale deed. On the other hand, later he came to know that the same house site property, which was promised to give to the defacto complainant has been sold to some other person for sale consideration of Rs.85,00,000/- (Rupees Eight Five Lakhs Only). Hence, this complaint has been lodged.

3.The learned counsel for the petitioner would submit that on 15.05.2013, 01.06.2013 and 16.07.2013, the petitioner has received a sum of Rs.6,00,000/- (Rupees Six Lakhs Only). With regard to other quantum of amount, he has already filed O.S.No.53 of 2016 before the District Court, Tirunelveli and the same is now pending. The petitioner is now willing to deposit a sum of Rs.6,00,000/- to the credit of Crime No.903 of 2016 before the trial Court.



4.The learned Government Advocate (Crl.Side) for the respondent would submit that earlier this Court has granted anticipatory bail to the petitioner on condition that he has to pay a sum of Rs.5,00,000/-, but he did not comply with the same. Therefore, he was arrested in this case.

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5.Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner and also considering the *bona fide* approach made by the petitioner to deposit a sum of Rs.6,00,000/- to the credit of Crime No.903 of 2016, before the trial Court, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tuticorin and on further condition that:

[a] the petitioner has to deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs Only) to the credit of Crime No.903 of 2016 by way of Fixed Deposit in any one of the Nationalized Bank before the Judicial Magistrate No.I, Tuticorin, without prejudice to his defence before the trial Court.

[b] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

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

sd/-

03/01/2019

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

TO



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE OFFICER INCHARGE, SUB JAIL, PERALOORANI,
TUTICORIN.

4. THE SUB INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.D.SARAVANAN Advocate SR.No.87

ORDER

IN

CRL OP (MD) No.22420 of 2018

Date :03/01/2019

MS/VR/SAR-2/03.01.2019/3P.7C