

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14380 of 2020

Rajagopal Menon

...Petitioner

Vs.

The State represented by
Inspector of Police,
Vadakkipalayam Police Station,
Coimbatore District.
(Crime No.229 of 2011)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. To enlarge the petitioner on bail in the event of arrest by the respondent police concerned in Crime No.229 of 2011 on the file of the respondent.

For Petitioner : M/s.M.N.Balakrishnan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 420 of IPC, has filed this petition, seeking anticipatory bail.

2. The case of the prosecution is that the petitioner/accused had agreed to sell his land to the defacto complainant, for which, he received a sum of Rs.10,00,000/-, but he sold the land to A-2. Hence this case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and has been falsely implicated in this case. He would further submit that it is true that the petitioner entered into an agreement with the defacto complainant for selling his property. The sale consideration was fixed at Rs.50,00,000/- and the defacto complainant had paid a sum of Rs.10,00,000/- as advance. As per the terms of agreement, the sale deed has to be concluded within a period of 45 days. Thereafter, the defacto complainant did not come to execute the sale deed, due to

which, the petitioner was put to great loss. Only after the lapse of the said period, the petitioner has sold his property to A2. He would further submit that though the sale agreement was entered on 17.12.2010, after waiting for 45 days, the petitioner has notified the defacto complainant to register the sale, but the defacto complainant did not pay the balance amount and did not come forward to conclude the sale. There was exchange of notices between the parties. Thereafter, he sold his property to A2 on 20.06.2011. He would further submit that in respect of the same dispute, a suit has been filed before the Sub-Court, Pollachi and thereafter, it has been transferred to Sub Court, Coimbatore. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner after taking advance of Rs.10,00,000/- from the defacto complainant and agreeing to sell his property, sold his property to A2 and thereby cheated.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - I, Pollachi, on condition that the petitioner executes 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

[d] the petitioner shall not abscond 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 petitioners released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in P.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

-sd/-
16/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VADAKKIPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.No.6306



सत्यमेव जयते CRL OP.14380/2020

Date :16/09/2020

cs 25/09/2020

WEB COPY