



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

Date : 19/06/2020

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6407 of 2020

Baskaran @ Baskar,

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Town Police Station,
Pudukkottai District,
In Crime No. 945 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Mathavan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 945 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under section 420 of I.P.C., in Crime No. 945 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner entered into a Registered sale agreement, dated 18.02.2019, with the defacto complainant to execute a sale deed in respect of a plot under the



Veerammakaliamman Real Estate Scheme and subsequently, since the petitioner failed to execute the same in favour of the defacto complainant as per the sale agreement, he lodged a complaint.

4.The learned counsel for the petitioner submit that as per the sale agreement the defacto complainant has not settled the balance amount of sale consideration. But in order to grab money from the petitioner, he lodged the complaint by mentioning huge amount. Moreover, it is a civil dispute. He would further submit that the petitioner is an innocent person and law abiding citizen and prayed to grant anticipatory bail to him.

5.The learned Government Advocate (Crl. Side) appearing for the State would submit that the petitioner is running Real Estate Business, in which the defacto complainant deposit a sum of Rs.6,25,000/- to the company. By mentioning various reasons, the petitioner failed to execute the sale deed in favour of defacto complainant. The petitioner is arrayed as A1. He would further submit that if the petitioner agreed to execute the sale deed in favour of the defacto complainant within a stipulated period, he may be considered for granting anticipatory bail.

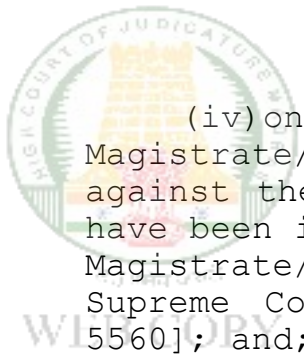
6.The learned counsel for the petitioner on instructions submitted that the sale deed will be executed by the petitioner as per the sale agreement in favour of the defacto complainant within a period of three months from the date of receipt of a copy of this order.

7.Considering the facts and circumstances of the case and considering the consent of the learned counsel for the petitioner that the sale deed will be executed in favour of the defacto complainant, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Pudukkottai and on their executing 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 Magistrate concerned;

(ii) The petitioner is directed to execute a sale deed as per the sale agreement, dated 18.02.2019 in favour of the defacto complainant within a period of three months from the date of receipt of a copy of this order, failing which this petition will be dismissed automatically without any reference to the Court.

(iii) The petitioner shall appear before the respondent police as and when required for interrogation.



(iv) 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 themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(v) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

9. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, PUDUKKOTTAI.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE
TOWN POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADRURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6407 of 2020
Date : 19/06/2020

TM
AE/PN/SAR-II (22.06.2020) 3P 5C