



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24050 of 2021

Kalimullah

... Petitioner

Versus

State Represented by
Inspector of Police,
District Crime Branch
Tiruvannamalai District.
Cr.No. 8/2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Cr.No.8 of 2021 on the file of the respondent police.

For Petitioner : M/S.D.Baskar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(i), 427, 465, 468 & 420 of IPC in Crime No.8 of 2021., on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused had agreed to sell 3300 Sq.ft land for Rs.17,10,000/ and Received a sum of Rs.2,10,000/- and on 13.03.2019, executed sale deed only for 1600 Sq.ft and represented that the house and remaining vacant site were under mortgage and wanted amount for the discharged of the same. The defacto complainant and his wife had transferred Rs.15,00,000/- by RTGS to the account of A1.. But the first accused had not executed any sale deed and later it was found that the first accused had clandestinely sold the Government property. Further, the petitioner



along with other accused persons had damaged the fence -and the same was questioned by the defacto complainant's wife, the petitioner along with other accused persons had abused and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, is ready to deposit the amount of Rs.7,00,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an affidavit of undertaking shall be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.7,00,000/- will be returned to him. He prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is ready and willing to deposit a sum of Rs.7,00,000/- to the credit of crime number, 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 his appearance before the learned Judicial Magistrate No.1, Tiruvannamalai, 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 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 shall deposit a sum of Rs.7,00,000/- (Rupees Seven Lakhs Only) to the credit of Cr.No.8 of 2021 before the learned Judicial Magistrate No.1, Tiruvannamalai, within a period of four weeks from the date of receipt of a copy of this order . On such deposit being made, the learned Judicial Magistrate No.1, Tiruvannamalai,, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.7,00,000/- deposited by the petitioner to the credit of Cr.No.8 of 2021 will be returned to the petitioner and after



obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

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[b] 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.

[c] the petitioner is directed to appear 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 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/-
15/12/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.BASKAR Advocate on payment of necessary charges
SR.NO.14891

CRL OP.24050/2021

Date :15/12/2021

JPA 23/12/2021