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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24267 of 2021

Babukannan

... Petitioner

Versus

State Rep. by
The Inspector of Police,
District Crime Branch Police Station,
Nagapattinam District,
(Crime No.10 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of his arrest in Crime No.10 of 2021 on the file of the Inspector of Police, District Crime Branch Police Station, Nagapattinam District.

For Petitioner : Mr.D.Lakshmipathy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

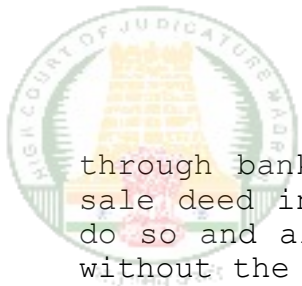
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ORDER

This Criminal Original Petition is filed to enlarge the petitioner on bail in the event of his arrest in Crime No.10 of 2021 on the file of the Inspector of Police, District Crime Branch Police Station, Nagapattinam District.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 406 and 420 IPC, in Crime No.10 of 2021 seeks Anticipatory Bail.

3.The case of the prosecution is that the defacto complainant and the petitioner herein are relatives. A1 and the petitioner/A2 herein are brothers. It is alleged that the first accused entered into a registered sale agreement with the defacto complainant for the sale of land and petrol bunk in Mayiladuthurai Town for a sum of Rs.5,58,06,000/- and after the receipt of entire sale consideration



through bank account by the first accused, he failed to execute the sale deed in favour of the defacto complainant and also he evades to do so and also attempted to sell the same land to the third parties, without the consent of the defacto complainant.

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4. Further alleged in the complaint that on the instance of the petitioner herein and his brother's wife and another relative only the first accused failed to execute the sale deed in favour of the defacto complainant and also cheated her money, which was received as sale consideration from the defacto complainant. In view of the same, the defacto complainant had lodged a complaint before the Law Enforcing Agency.

5. The learned counsel appearing for the petitioner submits that the above said alleged sale agreement executed between A1 and the defacto complainant. The petitioner/A2 herein is the brother of A1 and he is no way connected to the said transaction. He is a respectable person of his locality and have got permanent place of residence. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. The learned Additional Public Prosecutor opposed for grant of anticipatory bail to the petitioner stating that A1 entered into a sale agreement with the defacto complainant, with regard to the said sale agreement a sum of amount of Rs.5,58,06,000/- was paid to A1 and he failed to execute the sale deed in favour defacto complainant and also he refused to repay the amount to the defacto complainant. The petitioner/A2 is the brother of A1.

7. Admittedly with regard to properties already family dispute pending between the parties, and this petitioner is the brother of A1 and no specific over tact against him. Considering the facts and circumstances of the case, this Court is inclined to grant Anticipatory Bail to the petitioner with the following conditions.

8. 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.I, Nagapattinam, on condition that the petitioner shall execute a bond for sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each 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 is directed to appear before the respondent police on every Wednesday 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 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/-
14/12/2021

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, NAGAPATTINAM, NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
NAGAPATTINAM DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.LAKSHMIPATHY Advocate on payment of necessary
charges SR.NO.14728

CRL OP.24267/2021

Date :14/12/2021

CSK 29/12/2021