

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.26237 of 2019

J. Jebaselvi
W/o.Jebakumar

... Petitioner

Vs.

1. State rep.by
Inspector of Police,
EDF-III Team 20,
Central Crime Branch,
Chennai - 600 007.

2. Jayasingh
S/o Kosalram

... Respondents

PRAYER: Criminal Original petition has been filed under Section 439 (1) (b) of Cr.P.C, prayed to cancel the bail order dated 31.10.2018 in C.M.PNo.6103 of 2018 in Cr.No.122 of 2018 passed by the learned Judicial Magistrate, Alandur and direct the respondent police to secure the 2nd respondent, and commit the Accused No.7 in to custody.

For Petitioner : M/s Paul and Paul

For Respondent : Mr.C.E. Pratap
Government Advocate (CrI.Side)

ORDER

This petition is filed to to cancel the bail order dated 31.10.2018 in C.M.PNo.6103 of 2018 in Cr.No.122 of 2018 passed by the learned Judicial Magistrate, Alandur and direct the respondent police to secure the 2nd respondent.

2. The case of the prosecution is that the second respondent is a land broker and the petitioner herein entered into a contract with the second respondent for purchase of lands. Thereafter, the petitioner had paid Rs.1,51,75,000/- and

purchased some lands. Subsequently it came to light that the second respondent has created some forged documents and thereby cheated the petitioner and originally owner of the land is one Mr.V.Chandrasekara Rao. Hence the complaint.

3. The Court below, while granting bail to the second respondent, imposed a condition that he should deposit a sum of Rs.25,00,000/- as security. Since, the condition imposed has not been complied with, the present petition has been filed.

4. The learned counsel for the petitioner/defacto complainant would submit that second respondent had transferred only Rs.5,00,000/- to the credit of crime no.

5. Per contra the learned counsel for the second respondent would submit that already Rs.97,00,000/- was transferred to the account of the petitioner. He further submits that the second respondent without prejudice to their defence and contentions is ready to deposit Rs.17,00,000/- to the credit of the crime no.122 of 2018

6. Heard the learned Government Advocate appearing for the state.

7. In view of the above this Court without going into the merits of the case directs the second respondent to deposit Rs.17,00,000/- to the credit of the Crime No. 122 of 2018 within a period of 6 weeks from the date of receipt of a copy of this order and on such deposit being made, the same shall be disbursed to the petitioner by the trial Court upon filing a proper affidavit incorporating a condition that if the second respondent succeeds in the trial, the petitioner shall pay the amount back to the second respondent.

Accordingly this Criminal Original petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

smn

To

1.The Judicial Magistrate,
Alandur

2.The Inspector of Police,
EDF-III Team 20,
Central Crime Branch,
Chennai - 600 007.

3.The Public Prosecutor,
High Court, Madras

Crl.O.P.No.26237 of 2019

PPA (CO)
CB(07/07/2021)



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