



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD)No.387 of 2021

Mohammed Syed Ahamed Naina

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Keelakarai Police Station,
Ramanathapuram District
Crime No.375/2020

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan, Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.375 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 448, 506(ii), 420 IPC in Crime No.375 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having a property in Natham Survey No.602/37 at Keelakarai Town, Ramanathapuram District. The petitioner herein purchased the said property and registered the same. At the time of registration, the defacto complainant has not receive any amount from the petitioner, because the petitioner is well known person to her and also distance relative of the defacto complainant. After registering the said sale deed, the petitioner refused to give the sale amount and on request, the petitioner gave a cheque and the same was bounced. When the defacto complainant questioned about the cheque, the petitioner threatened the defacto complainant. 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 and he has been falsely implicated in this case. He further submitted that the above said property has been purchased by paying Rs.30,00,000/-. Though the land value is only Rs.5,00,000/-, and market value was Rs.9,00,000/-, the sale deed was registered in Doc.No.593 of 2017 before the Sub-Registrar, Ramanathapuram. The defacto complainant, on coming to know the value of the property was increased, in order to extract more money from the petitioner, had given a false complaint against the petitioner. He also submitted that the defacto complainant stated in her complaint that cheque was given and the same was bounced, however, no proceedings were initiated in this regard. In any even, sale deed was registered only after receiving sale consideration. The property was purchased in the year 2017 and after three years without any reason, the present complaint has been lodged against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that in this case, the First Information Report came to be filed on the direction given by the Judicial Magistrate Court No.1, Ramanathapuram, which was forwarded under Section 156(3) Cr.P.C., and that investigation is just commenced, materials have to be collected.

5.It is seen that the property was registered in the year 2017 and the complaint has been lodged in the year 2020 only, further, the complaint was forwarded under Section 156(3) Cr.P.C.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.1, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 appear before the respondent Police as and when required for interrogation;



(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]; and;

(f) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I, RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KEELAKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.387 of 2021
Date : 09/03/2021