



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

Date : 04/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1296 of 2021

P.John Paul

... Petitioner/Accused No.3

Vs

State Rep.by
The Sub-Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.
(Crime No.284 of 2019)

... Respondent/Complainants

For Petitioner : Mr.B.Saravanan, Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

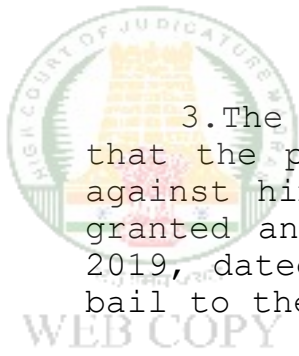
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.284 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :

The petitioner/A3 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 406, 420, 294(b), 323 and 506(i) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the one P.John Chelvam and One C.Porul Ponnaiah, who are arrayed as A-1 and A-2. A-2 is the father of A-1 and of A-3. The petitioner and A-1 and A-2 are the real estate brokers. The de-facto complainant acted as an agent of the Green City Scheme and she joined 200 persons as proposed buyers in the scheme and received a sum of Rs.500/- per month from the said individuals and gave the collection amount to the first accused namely, P.John Chelvam and she also received Rs.100/- as commission for the above transaction. Thereafter, A-1 and A-2 neither repaid a sum of Rs.30,000/- to the de-facto complainant nor register the lands in favour of the buyers. When the same was questioned by the de-facto complainant, A-1 and A-2 attacked the de-facto complainant and others and also caused injuries. Hence, the



3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him. He further submitted that the co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD)No.12814 of 2019, dated 30.09.2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

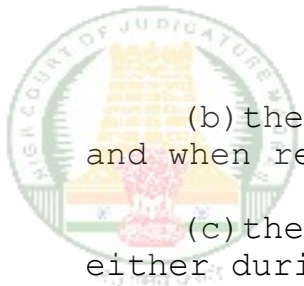
4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that totally there are three accused in this case. The petitioner is arrayed as A-3. All these accused are real estate brokers. The de-facto complainant acted as an agent in the Green City and she joined 200 persons as proposed buyers in the scheme. After 8 years back, A-1 and A-2 were cheated the de-facto complainant and not registered the plots in favour of the buyers, which was questioned by the de-facto complainant and buyers, A-1 and A-2 have assaulted the de-facto complainant and buyers. Hence, a case was registered against A-1 and A-2 and thereafter, the respondent police filed an alteration report before the Judicial Magistrate, Paramakudi, the present petitioner was arrayed as accused in this case.

5.It is seen that the petitioner acted as real estate broker with Ruby Agency, which had put up a lay out in the name of Green city at Kavanoor Village, Paramakudi Taluk. This Court while granting anticipatory bail to A-1 and A-2 in Crl.O.P.(MD)No.12814 of 2019, dated 30.09.2019 had observed that A-1 and A-2 had developed 1040 plots and more than 1000 persons had joined in the scheme, out of which, 447 persons had paid the entire amount and had also taken the sale deeds in their name. But 553 persons have made only part payment and after the rest of the amount is paid, the sale deed to be executed by them. The petitioner, who is the brother of A-1, being an agent, has been unnecessarily targeted. If the petitioner has introduced the scheme, the sale deed was also to be executed only by A-1 and A-2 and not the petitioner herein.

6.In view of the same, 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 learned Judicial Magistrate, Paramakudi, 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



(b)the petitioner shall report 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/03/2021

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/ /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, PARAMAKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE SUB-INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.B.SARAVANAN, Advocate (SR-1800[I] dated 05/03/2021)

ORDER IN
CRL OP(MD) No.1296 of 2021
Date :04/03/2021

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<https://hdservices.evms.gov.in/hdservices> MS/EN/GR/1/69/03.2021/3P.6C