



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4490 of 2021

1. Dhanasekaran
2. S.S.A.Xavier

... Petitioners/Accused No.4&5

Vs

The State rep. by
The Sub Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.
Crime No. 284 of 2019.

... Respondent/Complainant

For Petitioners: Mr.Saravanan B,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Section 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 petitioners/A4 and A5 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 complaint.

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3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and a false case has been foisted against them. He further submitted that some of the co-accused were already granted anticipatory bail by this Court, he prayed to grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted 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 petitioners was arrayed as accused in this case.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that some of the co-accused in this case were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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 petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> investigation or trial;



(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.

+2 CC to Mr.B.SARAVANAN, Advocate (SR-2514[I] dated 25/03/2021)

ORDER IN

CRL OP(MD) No.4490 of 2021

Date :24/03/2021

AAV

SRS/SMA/29.03.2021/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>