



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9525 of 2021

V.Ramakrishnan

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
(Crime No.76 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.Balaji,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For Intervenor : Mr.A.Vadivel,
Advocate

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

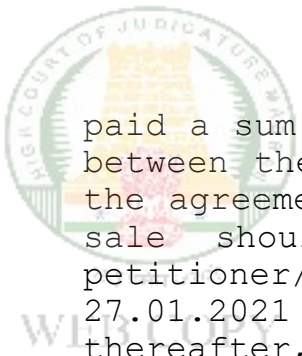
PRAYER :-

For Anticipatory Bail in Crime No.76 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.76 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant was searching for land in connection with starting a business. He noticed the board "Rasi Real Estate" at Chakkaraikottai Village. From the phone numbers found in the board, he contacted the petitioner/A1 and met him on 02.12.2020. The petitioner told him that the land belongs to the second accused-Indira and she had appointed him as a broker for selling the land. He had also shown the settlement deed in favour of Indira. Believing his words, he



paid a sum of Rs.6,00,000/- for 50 cents and executed the agreement between the second accused and his wife. The petitioner signed in the agreement as a witness. As per the terms of the agreement, the sale should be completed before 20th February. Then, the petitioner/A1 got Rs.96,000/- from the de-facto complainant on 27.01.2021 for documents expenses and for clearing the land. Even thereafter, he has not taken any steps for execution of sale deed and when he met him on 18.02.2021 and he asked him to come on 19.02.2021. On 19.02.2021 at about 12.30 p.m., when the de-facto complainant along with his relatives were talking at Chinnakariyapatti Bazaar, the petitioner came in a Royal Enfield bike, when the de-facto complainant stopped the bike and asked him about the execution of sale deed, the petitioner refused to execute the sale deed and scolded him in filthy language. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he is only a broker for commission and he has not received any amount. Therefore, he seeks anticipatory bail.

4.The learned counsel for the intervenor strongly opposed this petition on the ground that the petitioner alone received a sum of Rs.6,00,000/- and he produced the copy of the unregistered sale agreement, dated 16.01.2021 and the legal notice issued to the petitioner/A1, dated 19.02.2021. It is a specific case that the petitioner/A1, cheated the de-facto complainant and therefore, he seeks dismissal of the petition.

5.The learned Additional Public Prosecutor for the respondent also supports the case of the de-facto complainant and seeks dismissal of this petition.

6.Perusal of the unregistered sale agreement, dated 16.01.2021 shows that the sale agreement was entered into between the second accused and wife of the de-facto complainant. As per the terms of the sale agreement, the second accused agreed to sell 50 cents of land for a sum of Rs.6,00,000/- and it was also recited that a sum of Rs.6,00,000/- was received by the second accused on 16.01.2021. The copy of the notice, dated 19.02.2021 shows that the petitioner/A1 admitted that he is a broker and he made arrangement for sale of 50 cents to the wife of the de-facto complainant. He also admitted that he had attested this document and ensured the sale consideration is paid to the owner. The documents produced in this case shows that it is a case based on sale agreement, in which, the wife of the de-facto complainant paid a sum of Rs.6,00,000/- to the second accused. There is no material filed by the de-facto complainant to show that he paid Rs.6,96,000/- to the petitioner/A1. This is purely a civil dispute. The parties have to work out their remedy before the competent civil Court.

7.In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner with conditions.



8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, 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 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 report before the respondent police, daily 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
26/07/2021

/ 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.II,
VIRUDHUNAGAR.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.9525 of 2021

Date :26/07/2021

sj i

USK/JM/SAR-I : 02/08/2021 : 4P/5C