



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.1140 of 2022

N.Muthusamy

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Mathikonpalayam Police Station,
Mathikonpalayam, Dharmapuri District.
Crime No.464 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.464 of 2021 on the file of the respondent police.

For Petitioner : Mr.Mohammed Riyaz
for Mr.T.Sundaravadanam

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For Intervener : Mr.M.Balu

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 423, 465, 468, 294(b), 506(i) of IPC, in Crime Number 464 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in the year 1994, the defacto complainant's father one Murugan had borrowed a sum of Rs.20,000/- from the petitioner and executed a sale agreement. Subsequently, the petitioner allegedly had settled the land in the name of his son Mr.M.Abishek Kumar/A2 and till now he is in the enjoyment of the property. Hence, the defacto complainant lodged a complainant against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Counsel appearing for the intervener raised his strong objection for granting anticipatory bail to the petitioner stating that in the year 1994, the defacto complainant's father borrowed a loan from the petitioner and subsequently executed a sale agreement on 24.01.1994 with regard to the disputed property and also submits that the petitioner had manipulated the sale deed in the name of his son and agreed to cancel the sale deed, but he failed to do so. Subsequently, the defacto complainant's father returned the loan amount on 09.03.1996. and to that endorsement also made. He further submits that the petitioner had purposefully curb the property and he failed to cancel the sale deed and hence, he further he request this Court that this matter may be referred to Mediation Centre for amicable settlement.

4. The learned Additional Public Prosecutor submits that he has no objection for referring this matter to the mediation centre.

5. Considering the facts and circumstances of the case and also the fact reveals that the dispute is with regard to the possession and enjoyment and cancellation of the documents, hence this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner along with his son Abilashkumar and the defacto complainant along with his father Murugan should go for Mediation and Conciliation Centre, Dharmapuri for five sittings and report by 16.03.2022.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, Dharmapuri 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 Court concerned 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 on every Tuesday 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 has been imposed and the petitioner is 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

28/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
MATHIKONPALYAM POLICE STATION,
MATHIKONPALAYAM, DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ASSISTANT REGISTRAR,
TAMIL NADU MEDIATION AND CONCILATION CENTER,
HIGH COURT, MADRAS.



6 THE OFFICER INCHARGE,
MEDIATION AND CONCILIATION CENTRE,
DHARMAPURI

WEB COPY

CC to M/S T.SUNDARAVADANAM Advocate on payment of necessary
charges Sr.1409

CC to M/S M.BALU Advocate on payment of necessary charges Sr.1522

CRL OP.1140/2022

Date :28/01/2022

RVR 03/02/2022