



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12339 of 2022

RAMESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
THAALAVADI POLICE STATION,
THAALAVADI POST,
ERODE DISTRICT.
CRIME NO. 74 OF 2022.

[RESPONDENT]

For Petitioner : M/S.D.VEERASEKARAN Advocate

For Respondent : MR. A.GOKULAKRISHNAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 406 and 420 IPC, in Crime.No.74 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a retired Junior Assistant of Tamil Nadu Silk Worm Cultivation Department, Erode District. He retired from service on 30.11.2018. At the time, he wanted to purchase a cultivation land from the amount derived from his retirement benefits. The petitioner approached the defacto complainant and stated that 2.38 acre of land is available for sale and the value of the said land is Rs.19,00,000/-. Hence, the defacto complainant gave a sum of Rs.19,00,000/- to the vendor for purchasing the said land. Thereafter, the defacto complainant was surprised to know that the sale deed was made in the name of the petitioner instead of the defacto complainant. Hence, he gave a complaint.



3. The learned counsel appearing for the petitioner submitted that the defacto complainant is a retired employee of the Tamil Nadu Silk Worm Cultivation Department. He is doing money lending business in the locality. The petitioner intended to purchase a land to an extent of 2.38 acres in survey No.745, Mallanguli Village, Thalavadi Taluk, Erode District from one Sebastian for a sum of Rs.6,50,000/- on 19.02.2021. Since there was a deficit of Rs.2,00,000/- to purchase the land, the petitioner borrowed a sum of Rs.2,00,000/- from his relative namely D.Shivanna / defacto complainant in the month of January, 2021. Thereafter, he purchased the said land and registered the same as document No.223 of 2021 on the file of the Sub-register Office, Thalavadi, Erode District in his name.

4. He would further submit that while borrowing money from the defacto complainant, the petitioner gave four unfilled cheques drawn on Ujjivan Small Finance Bank, bearing account No.1198120010000188, Sathyamangalam Branch, Erode District along with two signed empty stamp papers of Rs.100 towards security of the loan amount borrowed by him. Thereafter, when the defacto complainant insisted the petitioner to repay the loan amount of Rs.2,00,000/- with interest, the petitioner sought time to repay the borrowed amount. However, the defacto complainant refused to give time and took away the original documents of the petitioner's land and threatened him that he would lodge a complaint against the petitioner with intention to put him behind the bar. He would further submit that the defacto complainant retired on 30.11.2018, but the sale deed was registered in the year 2021 and the entire prosecution case is a concocted story based on the complaint made by the defacto complainant and hence, prayed for grant of anticipatory bail.

5. The learned Additional Public Prosecutor (Crl.side) appearing for the respondent submits that the petitioner received money from the defacto complainant by giving false assurance that the land would be purchased in the name of the defacto complainant but later the petitioner cheated the defacto complainant and registered the document in his name. Hence, he opposed for grant of anticipatory bail.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7. The learned counsel appearing for the petitioner has rightly pointed out that the defacto complainant has retired in the year 2018 but, the land was purchased in the year 2021 and it is not known as to why the the defacto complainant, being a Government servant has to depend on the third party, the petitioner herein to purchase a land. Further, the learned counsel for the petitioner claims that the defacto complainant is a money lender and lent money to the petitioner by obtaining cheques and empty stamp papers from the petitioner and foisted a false complaint against the petitioner.



8. Considering the nature of allegation and the submissions made by the learned counsel appearing for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Sathyamangalam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily.

[c]the petitioner shall not tamper with the 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 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
01/06/2022

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,
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAALAVADI POLICE STATION,
THAALAVADI POST, ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.VEERASEKARAN Advocate on payment of necessary
charges SR.NO. 8453

CRL OP.12339/2022

Date :01/06/2022

RW-03/06/2022