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

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19981 of 2021

Perumal Raja

... Petitioner/Accused No.3

Vs

State rep.by
The Sub Inspector of Police,
District Crime Branch Police Station,
Thoothukudi.
(Crime No.17 of 2020).

... Respondent/Complainant

For Petitioner : Mr.Vishnuvardhan S, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.C.T.Peruman, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 120B, 294(b), 406, 420 and 506(1) IPC in Crime No.17 of 2020 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.The defacto complainant and his father, namely D.Sathyanathan were running a company, called Deva and Co. For the aforesaid company, they purchased a land in S.Nos.1538, 1539, 1557 and 1558 in



Aniyaparanallur Village through a power agent, namely Ramesh. The sale deed was registered on 06.10.2016 for a sale consideration of Rs.19,11,000/-. The entire sale consideration was paid on the date of registration itself. Later, the defacto complainant came to know that the aforesaid persons forged the power deed and illegally sold the property.

4. On the basis of the complaint, CSR.No.2301 of 2018 was registered and during the course of aforesaid enquiry, compromise was reached between the defacto complainant's father and the first accused, by which the 1st accused promised to return the sale consideration. Towards the discharge of the same, the 1st accused issued two blank cheques. Those cheques were presented for collection, but they were returned as insufficient funds. That was enquired by the defacto complainant with the 1st accused. He told that only the 2nd accused received the money and he is responsible for the same. So, on the basis of the complaint, now the case has been registered.

5. Seeking anticipatory bail, this petition has been filed on the ground that the transaction was undertaken between the 1st accused and the defacto complainant, in which this petitioner only acted as Proker. There was also compromise between the 1st accused and the defacto complainant. So, there was no criminal intention on the part of this petitioner.

6. The learned counsel for the intervenor would submit that this petitioner is actively involved in the aforesaid transaction and he is also responsible for the aforesaid issue.

7. No doubt, original impersonation cannot be condoned or cured by way of the aforesaid settlement between the 1st accused and the defacto complainant, but when the 1st accused himself has admitted that he received a total sale of consideration and accepting the same, he issued the cheques, then the liability of this petitioner towards the aforesaid amount also does not arise. So, on the sole ground itself, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Thoothukudi, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy



made ready, failing which, the petition for anticipatory bail shall stand dismissed.

Sd/-
27/07/2022

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/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

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.

1. THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
DCB POLICE STATION, THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VISHNUVARDHAN S Advocate SR.No.7875

+1. CC to M/S.PERUMAL C.T., Advocate SR.No.7813

ORDER
IN
CRL OP(MD) No.19981 of 2021
Date :27/07/2022

SP/SVR/SAR I/29/07/2022/3P/7C