



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

Date : 11/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.925 of 2023

Sathishkumaran @ Sathiskumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
Crime No.29 of 2022.

... Respondent/Complainant

For Petitioner : MR.R.VENKATESAN, Advocate
for M/s.Right Law Associates
For Respondent : MR.T.SENTHIL KUMAR,
Additional Public Prosecutor
For Intervenor : MR.M.JOTHIBASU, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

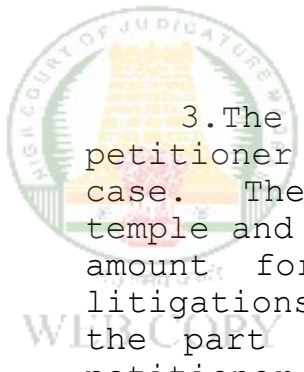
PRAYER :-

For Bail in Crime No.29 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 30.11.2022 for the offences punishable under Sections 120(B), 406, 420, 465 of IPC, in crime No.29 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that a sale agreement was entered in respect of the trust property, with an extent of 12 acres and 57 cents situated at Vandiyur, Madurai District by the accused persons in favour of the defacto complainant. The sale consideration was fixed at Rs.34,92,50,000/-. An advance amount was fixed at Rs.70 lakhs and the same was paid to them. Thereafter, the accused did not come forward to register the sale deed in favour of the defacto complainant. Due to non-registration of property, the defacto complainant demanded to return the money, which was paid as advance. But, they failed to do so. Thereafter, she came to know that the property is under the control of HR & CE. Hence, the



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. The disputed property belongs to the Trust, which runs the temple and the defacto complainant after due diligence, had paid the amount for purchase of property, knowing well aware of the litigations pending between the parties. There is no intention on the part of petitioner to cheat the defacto complainant. The petitioner is arrayed as A2 and the allegation as against the petitioner is that he has signed as a witness to one of the document. He was arrested on 30.11.2022. In this case, major part of the investigation has already been completed. The entire case of prosecution is borne out of records. Hence, prays to release the petitioner on bail.

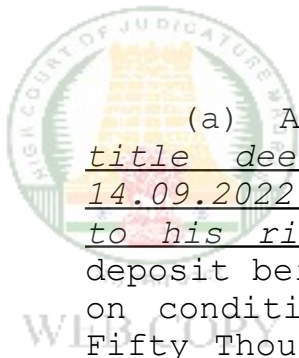
4.The learned Additional Public Prosecutor would submit that the petitioner along with the other accused had conspired together and fabricated documents and entered into an sale agreement with the defacto complainant for Rs.34,92,50,000/- and had received Rs.70 lakhs as advance, in respect of property belongs to HR & CE Department. They failed to return the money to the defacto complainant. Hence, he strongly opposed to grant bail to the petitioner.

5.The learned counsel for the intervener would submit that the petitioner and his father have induced the defacto complainant stating that a land was available for sale and believing their words, the defacto complainant entered into a sale agreement with the petitioner and paid Rs.70 lakhs as advance. Later, she came to know that the disputed property belongs to HR & CE and the accused persons failed to return back the money to her. Hence, prays to dismiss the petition.

6.At this juncture, the learned counsel for the petitioner would submit that the petitioner is having permanent residence and to show his *bonafide*, he is ready and willing to deposit the original title deeds of the house property belonging to his wife, in S.No.216/4, bearing Door No.22, West Street, Ward No.06, Gonvindanagaram, Gonvindanagarm Panchayat, Theni Taluk, which is worth about Rs.14,27,000/-. The petitioner's wife is ready to stand as a surety to him and also ready to file the said original title deeds (Doc.No.6425/2020 dated 14.09.2020, on the file of Sub Registrar Office, Theni). Hence, prays to release him on bail.

7.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8.Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner and also the readiness of the petitioner to deposit title deeds, this Court is inclined to grant bail to the petitioner on conditions.



(a) Accordingly, the petitioner shall deposit the title deed belongs to his wife (Doc.No.6425 of 2020, dated 14.09.2022, on the file of Sub Registrar, Theni, without prejudice to his rights and contentions, before the trial Court, on such deposit being made, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.II, Virudhunagar,** and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10:30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC;

(i) the alleged copy of sale deed, shall form part and parcel of the record.

sd/-

11/01/2023

/ TRUE COPY /

11/01/2023

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

PNM

ENCL : Xerox Copy of Sale Deed (Doc.No.6425/2020 dated 14.09.2022

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



CRL OP(MD)



23

3 THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.RIGHT LAW ASSOCIATES, Advocate (SR-587[I] dated
11/01/2023)

ORDER

IN

CRL OP(MD) No.925 of 2023

Date :11/01/2023

RS/VR/SAR.(11.01.2023) 4P-7C