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CRL OP(MD).



23

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

Date : 02/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.9573 of 2023

Krishnasamy @ Krishnan

... Petitioner/Accused(Sole)

Vs

The State Rep.by
The Inspector of Police,
District Crime Branch,
Karur District.
Crime No.14/2023.

... Respondent/Complainant

For Petitioner : Mr.R.Anand, Advocate for
M/s.Dhilipan Pandian.R.L., Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Intervenor : Mr.N.Ananthakumar, Advocate.

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

PRAYER :-

For Bail in Cr.No.14/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 18.11.2022 for the offences punishable under Sections 406 and 420 of IPC in Crime No.14 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant executed a sale deed in favour of the accused in respect of S.F.No.353/2B2 in Velampadi Village to an extent of 1.00 acre for a sum of Rs.1,65,00,000/-. Further, the sale deed was executed in favour of two persons and one person had paid the amount and another person has not yet paid the amount with the intention to defact and defraud the claim of the petitioner. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/judis>



4.It is seen that the petitioner along with other two accused, who are none other than his own brothers had entered into an agreement for sale with the de-facto complainant in order to sell their property for the total sale consideration of Rs.5,80,00,000/- on 09.09.2022 and on the same day, they have received a sum of Rs.55,00,000/- each from the de-facto complainant as an advance in totally Rs.1,65,00,000/-. Thereafter, there was dispute between the petitioner and his brothers in respect of execution of sale deed. On receipt of the advance amount, the the petitioner settled the loan amount, which was borrowed from Tamil Nadu Industrial Investment Corporation by pledging the subject property and redeemed the mortgage and thereby, cleared the encumbrance. However, the petitioner and other two accused persons having been redeemed the property. On receipt of the advance amount from the de-facto complainant, they refused to register the sale deed in favour of the de-facto complainant. The de-facto complainant approached other two brothers of the petitioner and they had also returned the amount, which was received as an advance from the de-facto complainant, to the tune of Rs.1,10,00,000/- and insofar as the advance amount received by the petitioner has not been paid sofar to the de-facto complainant herein.

5.The learned counsel for the petitioner would submit that now the petitioner is ready and willing to deposit the entire amount, which was received as an advance from the de-facto complainant, to the credit of crime number.

6.Considering the above submission and also the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Aravakurichi, Thanjavur District, and on further conditions that:

[b] 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.

[c] after coming out from prison, the petitioner shall pay a sum of Rs.55,00,000/- by way demand draft directly to the de-facto complainant on or before 27.06.2023, failing which, the bail order already granted shall stand dismissed automatically and the respondent police is directed to secure the petitioner and proceed in accordance with law;



[d] the petitioner shall report before the responder daily at 10.30 A.M., until further orders.

[e] the petitioner shall not commit any offences of similar nature.

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[f] the petitioner shall not abscond either during investigation or trial.

[g] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[h] 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].

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

sd/-

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURICHI, THANJAVUR DISTRICT.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE, SUB JAIL, KARUR.

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

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

+1 CC to M/s.R.L.DHILIIAN PANDIAN, Advocate (SR-7989[I] dated
02/06/2023)

+1 CC to M/s.R.L.DHILIIAN PANDIAN, Advocate (SR-8113[I] dated
06/06/2023)

ORDER IN

CRL OP(MD) No.9573 of 2023

Date :02/06/2023

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