



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.13992 of 2021

WEB COPY

V.E.Kaja @ K.M.Kaja ... Petitioner/ Sole Accused

-Vs-

1.The State Rep.by
The Inspector of Police,
District Crime Branch,
Theni District
(In Cr.No.11 of 2021) ... 1st Respondent/Complainant

2. Suhaibu Rakuman ... 2nd Respondent/Defacto Complainant

(R2 is *suo motu* impleaded as per order of the court dated 10.01.2022 in Crl.O.P(MD)No.13992 of 2021 by GIJ)

PRAYER: Criminal Original Petition is 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 with respect to Cr.No.11 of 2021.

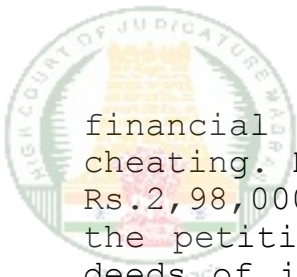
For Petitioner : Mr.Mohamed Sherbudeen
For R1 : Mr.P.Kottai Chamy
Government Advocate (Crl.side)
For R2 : Mr.D.Ramesh Kumar

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406 and 420 IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 in Crime No.11 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the accused is doing real estate business in the name and style of K.M.Jeevan Real Estate and the accused on the promise of giving plots were collecting money and the defacto complainant joined in the scheme of paying the monthly installment for purchasing plots from 10.08.2015 and paid 30 installments upto 01.10.2017. Thereafter, they have cheated the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false and exaggerated complaint has been given. He would further submit that a case of



financial transaction has been falsely projected as a case of cheating. He would submit that total amount involved in this case is Rs.2,98,000/- and without prejudice to the rights and contentions, the petitioner is ready and willing to deposit the original title deeds of immovable property to the tune of Rs.3 lakhs and he would also submit that investigation has been completed and final report has also been filed before the TNPID Court, Madurai and it is yet to be taken on file. He prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has cheated the amounts of the depositors to the tune of Rs.2,98,000/- and investigation in this case has been completed and final report has been filed and the same is yet to be taken on file.

5. Heard and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court, TNPID, Madurai, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] without prejudice to the rights and contentions, the petitioner shall deposit the original title deeds of immovable property belong to either himself or friends or relatives worth Rs.3 lakhs to the credit of Crime No.11 of 2021 before the TNPID Court, Madurai and produce proof.

[b]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 Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the court.

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



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

[f] 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 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]**.

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

sd/-
21/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE, SPECIAL COURT,
TNPID, MADURAI.
- 2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLICPROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MOHAMED SHERBUDEEN M Advocate SR.No.2706

ORDER
IN
CRL OP(MD) No.13992 of 2021
Date :21/02/2023

MGJ/BUC/SAR 2/28/02/2023/3P/5C