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

Date : 16/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12683 of 2023

Mohammed

... Petitioner/ Accused No.1

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Theni District.
Crime No.25 of 2023.

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

For Intervenor : Mr.R.Pon Karthikeyan, Advocate

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

PRAYER :-

For Bail in Crime No.25 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested on 12.06.2023 for the alleged offence under Section 417, 420, 120(b) IPC, in Crime No.25 of 2023, on the file of the respondent police, seeks bail.



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2. This petition has been filed by the petitioner stating that he has purchased the property from one Mariyadhasan, which was assigned to him by the Government. But the date of assignment is not mentioned.

3. Reading of the reply that was sent by the Tahsildar, Periyakulam, shows that originally, the property was assigned in favour of one Nagammal on **09.09.1941** with certain conditions. Thereafter UDR Patta was transferred in the name of several persons and one among them was one Vendor namely Mariyadhasan. Subsequently, encumbrance has been taken by the parties, in pursuance of the above said Patta transferred proceedings. It is also seen that from the above said Nagammal, the property was transferred to several persons. From one among them, this petitioner has purchased the property in 2013. After that it was sold to the defacto complainant by this petitioner.

4. Prima facie shows that both the parties were not aware of the history of the property now under dispute. Even though the matter has been referred to the Mediation Centre, because of difference of opinion over the amount to be settled, it could not be settled.

5. The learned counsel for the defacto complainant stated that the defacto complainant has not received the money back in full. But, it has been stated by the



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learned counsel for the petitioner that subsequent to the above said purchase, the petitioner entered into the sale and a portion of amount was also received by him and later entered into sale agreement with third accused. According to the learned counsel for the defacto complainant, the above said amount was received by way of cheque, which was bounced.

6. In view of the above observations, the interim bail that has been already granted by this Court to the petitioner, dated 14.07.2023, is made absolute.

7. There shall be a direction to the respondent Police to complete the process of investigation within three months from the date of receipt of copy of this order.

8. The petitioner is directed to appear before the respondent Police, daily at 10.30 a.m., until further orders.

sd/-
16/08/2023

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16/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, PERIAKULAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12683 of 2023
Date :16/08/2023

SS/16/08/2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023