



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

Thursday, the Sixteenth day of March Two Thousand and Twenty Three

PRESENT

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

CRL OP(MD) No.15161 of 2022

1 TAJDEEN
2 VEERA ABDULLAH

... PETITIONERS/ACCUSED NOS.1 & 2

Vs

State Rep.by
THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
CRIME NO.571 OF 2022.

... RESPONDENT/COMPLAINANT

S.AMSATH ARIFA ... INTERVENING PETITIONER/DE-FACTO COMPLAINANT
IN CRL MP(MD).10521/2022 IN CRL OP(MD).15161/2022

For Petitioners : M/S.J.LAWRANCE, Advocate
For Respondent : MR.B.THANGA ARAVINDH,
Govt. Advocate (Crl. Side)
For Intervener : MR.R.ANAND, Advocate

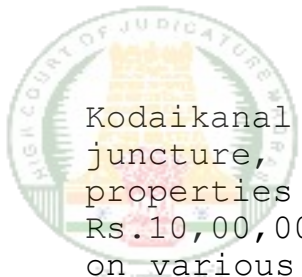
PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.571 OF 2022 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 468 and 471 of IPC, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant owns several house plots, commercial buildings and agricultural land in an around Kodaikanal area, Dindigul District. The petitioners were known to her and the petitioners were entrusted to look after certain properties of the complainant and further the first petitioner, who is a building contractor, has been entrusted to carry out construction works of the complainant. It is further alleged that in the course of time, the complainant has made efforts to have her property comprising in Survey No.32/1 situated at



Kodaikanal Sub Divided and mutated by obtaining pattas and at juncture, the petitioners came forward to help her in having her properties sub divided and mutated, if she would pay them Rs.10,00,000/- and accordingly, she has paid a sum of Rs.13,12,000/- on various dates through bank accounts. On receipt of the same, the petitioners has given mutated revenue records in respect of said landed property to the complainant. On verifying the same with the concerned office, she came to know that the said mutated records including the said patta have been fabricated with intention to deceive her. On the basis of the complaint, the case was registered.

3. Heard both sides and perused the materials available on record.

4. It is seen that the petitioners have received a sum of Rs.13,70,000/- through Bank transaction in order to get patta for the subject property in favour of the defacto complainant. Thereafter, he failed to get patta and produced so many documents, as if some amount was paid to the Revenue Divisional Officer and also issued fabricated patta in favour of the petitioners. However, they are ready and willing to pay some reasonable amount as ordered by this Court. Per contra, the learned counsel for the petitioners submitted that the petitioners are contractors and they were entrusted to construct the building in favour of the defacto complainant. Therefore, there was a dispute with regard to quality of construction, since they used inferior material. However, in order to show their *bona fide*, the petitioners are ready and willing to deposit a reasonable amount as ordered by this Court.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall take a Demand Draft for a sum of Rs.5,00,000/- (Rupees Five lakhs only) and handed over the same to the defacto complainant and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Virudhunagar.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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;



(b) the petitioners shall report before the responder daily at 10.00 a.m. without fail, for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/03/2023

/ TRUE COPY /

/04/2023

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

vsd

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.

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

3 THE INSPECTOR OF POLICE, TALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.

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

+1 CC to M/s.LAWRANCE J, Advocate (SR-4505[I] dated 17/03/2023)

ORDER

IN

CRL OP(MD) No.15161 of 2022

Date :16/03/2023

RS/CG/SAR-3(03.04.2023) 3P 6C