



Crl.O.P.(MD)No.16457 of 2023

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

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM
Crl.O.P.(MD)Nos.16457, 16201 and 16268 of 2023

Crl.O.P.(MD)No.16457 of 2023

1.Jameer

2.Kasim Mohammed

... Petitioners / Accused No.1 and 2

Vs

The State rep by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.257 of 2023)

... Respondent / Complainant

For Petitioners : Mr.K.Althaf Seriff, Advocate
for M/S.Ajmal Associates

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

Crl.O.P.(MD)No.16201 of 2023

J.M.A.Hussain

... Petitioner / Accused No.3

Vs

1.The State rep by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.257 of 2023)

... Respondent / Complainant



2.Jeya Simha
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Crl.O.P.(MD)No.16457 of 2023

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) No.13047 of 2023

For Petitioner : M/s.P.Krishnaveni, Advocate
For Respondent : Mr.RMS.Sethuraman, Additional Public Prosecutor.
For Intervenor : No Appearance

Crl.O.P.(MD)No.16268 of 2023

Mahendran

... Petitioner / Accused No.4

Vs

1.The Sub Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

... Respondent / Complainant

2.Jeya Simha

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) No.13154 of 2023

For Petitioner : Mr.C.Christopher, Advocate
For Respondent : Mr.RMS.Sethuraman, Additional Public Prosecutor.
For Intervenor : No Appearance

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.257 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(B), 506(i) & 420 IPC in Crime No.257 of



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2023, seek anticipatory bail.

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2.The case of the prosecution is that the defacto complainant has 13 cents land with building in Green Layout, Pethuparai, Kodaikanal. In order to have new construction in the said site, the defacto complainant is said to have entered into a construction contract with the first accused, who is the Proprietor of Ruby Internationals, that construction contract is said to have finalized on 01.10.2021, on payment of Rs.1,30,000/- by the defacto complainant to the first accused and thereafter, an agreement was signed to that effect on 12.02.2022 and as per the terms of the agreement, the first accused is said to have agreed to completed the construction and hand over the possession to the defacto complainant by August 2022. the first accused did not completed the construction by August 2022 as per the agreement. By he demanded further amount of Rs.40,00,000/-, which was also paid by the defacto complainant. On 05.08.2023, the defacto complainant went to the site and he came to know that the construction was not completed as agreed and even after payment of excess amount, the construction was not completed as per the place. Hence, he questioned about the same, at that time, the first accused demanded further amount of Rs.30 Lakhs and threatened the defacto complainant. Hence the case.

3.The respective learned counsel appearing for the petitioners would submit



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that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, they seek anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the accused persons, after receiving agreed amount, failed to construct the building as per agreement. Hence, he objected to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Kodaikanal, 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 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] 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.



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[b] the petitioners shall report before the trial Court on summons.

[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].

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

sd/-
10/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The Judicial Magistrate No.II,
Kodaikanal.



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2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

4.The Sub Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to M/s.AJMAL ASSOCIATES, Advocate, SR-47010(F), dated 11.10.2023.
+1 CC to M/s.P.KRISHNAVENI, Advocate (SR-14980[I] dated 11/10/2023)
+1CC to M/s.K.APPADURAI, Advocate SR-46935(F) dated 10.10.2023

ORDER
IN

Crl.O.P.(MD)Nos.16457, 16201 and 16268 of 2023

Date :10/10/2023

ED/JGB/SAR- (18/10/2023) 6P / 9C

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