



CRL OP(MD). No.19753 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.19753 of 2023

Kamalarasan,

... Petitioner/Sole Accused

Vs

**State Rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District..
Cr No. 13/2023**

... Respondent/Complainant

**For Petitioner : MR.M.Subash Babu, Advocate for
M/s.Subash Law Office,
For Respondent : Mr.RMS. Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Bail in Crime No.13 of 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



CRL OP(MD). No.19753 of 2023

custody on 23.09.2023 for the alleged offence punishable under Sections 406 and 420 IPC in Crime No.13 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant viz., Sathiya Priya has given a sum of Rs.37,00,000/- as advance to the petitioner for the purchase of Prawn Farm Limited and subsequently, he has given a sum of Rs.7,00,000/-, Rs.6,00,000/- and Rs.12,500/- on various dates and thereafter, the petitioner failed to execute a sale deed. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 23.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that it is a case of money dispute between the parties and the petitioner herein is having one previous case. He would further submit that the investigation of the case is pending.

5. On perusal of the FIR it is noticed that after receiving huge amount for sale consideration, neither the petitioner has registered a document nor repay the amount.

6. Considering the nature of allegations made against the petitioner and that it is purely a civil dispute and also considering the period of incarceration and also



CRL OP(MD). No.19753 of 2023

taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram and on further conditions that:

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

(ii) the petitioner shall not tamper with evidence or witness;

(iii) the petitioner shall not abscond during trial.

(iv) 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].



CRL OP(MD). No.19753 of 2023

v)If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
03/11/2023

/ TRUE COPY /

03/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
RAMANATHAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMNATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



CRL OP(MD). No.19753 of 2023

WEB COPY

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

+1 CC to M/s.SUBASH LAW OFFICE, Advocate (SR-15941[I] dated 03/11/2023)

ORDER
IN
CRL OP(MD) No.19753 of 2023
Date :03/11/2023

PKP/03.11.2023/ 5P/7C

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