



Crl.O.P.No.4655 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.4655 of 2024
and Crl.M.P.No.3976 of 2024

Ramasamy

..Petitioner

Vs.

State represented by
The Inspector of Police,
Avadi CCB,
Avadi City CCB.
(Crime No.51 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.51 of 2023 on the file of the respondent police.

For Petitioner : Mr.N.R.Elango, Senior Advocate for
Mr.A.S.Aswin Prasanna

For Intervenor : Mr. K.S.Arumugam

For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.01.2024 for the offences registered by the respondent Police under Sections 406 and 420 IPC, in Crime No.51 of 2023 on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant was looking out for purchasing a property at K.K.Nagar. Chennai and came into contact with one V.Jayachandran, who showed him a property. Thereafter, the defacto complainant met the petitioner and there was a further discussion. It was stated that the petitioner was the power of attorney holder of 7/8th share of the property. He had an agreement to purchase the remaining 1/8th share.

3.It is thus seen that the entire issue was the contingent on the principal agreeing to the agent to convey 7/8th share to the defacto complainant and to one of the agreement holder executing a document to be performed as an executed document. Thereafter, it is claimed that the defacto complainant was not willing to proceed further. In the course of all these transactions, there had been exchange of amount, according to the defacto complainant, of a sum of Rs.2,50,00,000/-. Two of the



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accused had approached the Court by filing Crl.O.P.No.5516 of 2024 and a learned Single Judge of this Court, by an order dated 06.03.2024, had referred the parties to mediation.

4. So far as this petitioner is concerned, it is stated that he had directly received a sum of Rs.30,00,000/- and he had however been taken into custody and he is in incarceration.

5. Heard the learned Senior Counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (crl.side).

6. In view of the fact that the issues relating to two of the accused had been referred to mediation, it would only be appropriate that this petitioner is also able to participate in such process. Since he is in incarceration, taking note of the arguments advanced and without entering into a detailed discussion among the bonafide of the respective parties which has to be tested only during the course of trial, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction



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of the learned Judicial Magistrate No.I, Poonamallee, and on further conditions that:

[a] 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, on every Saturday for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the credit of Crime No.51 of 2023 and on such deposit the learned Judicial Magistrate No.I, Poonamalle, may pay out a sum of Rs.15,00,000/- to the defacto complainant. It is made clear that such deposit does not indicate that the petitioner has admitted to any of the allegations against him. The learned Judicial Magistrate No.I, Poonamallee may retain the balance amount of Rs.10,00,000/- in a fixed deposit and orders are to be passed with respect to the same on conclusion of the trial. If the petitioner herein is acquitted, then the amount of Rs.10,00,000/- together with accrued interest may be handed over to him. If the



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petitioner herein is convicted, then the amount of Rs.10,00,000/- together with accrued interest may be handed over to the defacto complainant. The petitioner shall deposit the said amount on or before 15.05.2024.

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

[e] the petitioner shall not tamper with evidence or witness 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.

8.Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is also ordered.



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To

- 1.The Judicial Magistrate No.I, Poonamallee.
2. The Central Prison, Puzhal.
- 3.The Inspector of Police,
Avadi CCB,
Avadi City CCB.
- 4.The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.

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