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CrI.O.P.No.20168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.20168 of 2024

M.Sulthan Kader

...Petitioner/Sole Accused

Vs.

State Rep by
Inspector of Police,
District Crime Branch (DCB),
Cuddalore District.
(Crime No.12 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.12 of 2024 on the file of respondent police.

For Petitioner : Mr.S.Sathish

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2024 for the offences under Sections 423, 465, 468, 471 and 506(ii) of the IPC in Crime No.12 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has received a sum of Rs.30,00,000/- from the defacto complainant for sale consideration and the petitioner has not executed the sale deed to him and threatened him with dire consequences. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the defacto complainant is a real estate agent, and he approached the petitioner and requested to execute the general power of attorney of the petitioner's vacant land, his instigation on 08.03.2022, the petitioner executed a power deed in favour of the defacto complainant; that this case is purely civil in nature; that the petitioner has been in



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custody since 04.07.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) for the respondent police opposed granting bail to the petitioner by stating that the petitioner made false representations and cheated the defacto complainant with a sum of Rs.30,00,000/-.

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

6. Considering the representation on both sides, the fact that there is a sale agreement between the parties, which is purely civil in nature, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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



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learned **Judicial Magistrate - II, Chidambaram**, and on further conditions that:

[a] the petitioner shall report before the respondent police on every alternative Saturday for a period of three months and thereafter as and when required for the interrogation;

[b]the petitioner shall not abscond either during the investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.08.2024

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To
1.The Judicial Magistrate - II,
Chidambaram.



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2. The Superintendent of Prison
Central Prisons
Cuddalore District.

3. The Inspector of Police,
District Crime Branch (DCB),
Cuddalore District.

4. The Public Prosecutor
High Court of Madras.



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P.DHANABAL, J.

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