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CRL O.P. No.22970 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22970 of 2024

P.Deventhiran

... Petitioner / Accused - 1

Vs

State rep. by
The Inspector of Police,
Mailam Police Station,
Villupuram District.

(Crime No.778 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.778 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Kalaikumar

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 22.08.2024, for the offences punishable under Section 420 of IPC, in Crime No.778 of 2024, on the file of the respondent seeks bail.

2.It is the case of the prosecution that the defacto complainant approached the petitioner to prepare a mortgage deed on 05.04.2024 by stating that he would mortgage his property for a sum of Rs.3,00,000/- for the education expenses of his two daughters, at that time, the petitioner stated that due to the parliamentary election, he could not withdraw the money and hence, the defacto complainant without receiving money, executed a sale deed in favour of the petitioner and subsequently, he only received Rs.20,000/- through his account and later, the petitioner received Rs.20,000/- also from him. After election, when the defacto complainant demanded to pay money for the mortgage, the petitioner refused to pay the amount and stated that he had registered the sale deed from the complainant after paying a sum of Rs.6,50,000/- and thereby cheated the defacto complainant. Hence, the case.



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3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 22.08.2024 and there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant mortgaged the property and obtained loan of Rs.3,00,000/- from the accused, but the petitioner instead of obtaining mortgage deed, obtained sale deed by cheating the defacto complainant. He would further submit that now investigation is at initial stage. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offences charged against the petitioner and that there is a dispute pending between the parties in respect of sale of the immovable property through agreement and the period of incarceration undergone by the petitioner and that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 of the **Judicial Magistrate No.II, Tindivanam**, and on further conditions that;

[b] the Petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned



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Judicial 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.09.2024

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To

1.The Judicial Magistrate No.II, Tindivanam.

2.Central Prison, Cuddalore.

2.The Inspector of Police,
Mailam Police Station,
Villupuram District.

3.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.



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