



Crl.O.P.No.23913 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.23913 of 2024

Pazhanivel

...Petitioner/Accused

Vs.

State by
Rep by the Inspector of Police,
Chidambaram Town Police Station,
Cuddalore.
Crime No.320 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.320 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Deepak

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2024 for the offences under Sections 406, 418 and 420 of the IPC in Crime No.320 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the de facto complainant are friends; that being so, the petitioner fraudulently obtained a sum of Rs.7,00,000/- from the de facto complainant towards advance of selling the land measuring an extent of three acres, which belonged to one Mr.Vinagam; that even after receiving the advance from the de facto complainant, the petitioner herein neither execute a sale deed nor return the money till date; that the petitioner had given a promissory note in favour of the de facto complainant. It is further alleged that the petitioner, by promising the de facto complainant's mother, had obtained original property documents belonging to the de facto complainant for the sake of obtaining patta, but even the said original documents were not returned by the petitioner despite many requests. Hence, the complaint.



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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 petitioner and the de facto complainant are friends; that it was a concocted story framed by the de facto complainant and his family to harass the petitioner; that the de facto complainant with a malafide intention had created the above case and lodged a false complaint against the petitioner. He further submitted that the petitioner has been in custody since 17.08.2024; 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 submitted that the petitioner fraudulently obtained a sum of Rs.7,00,000/- from the de facto complainant towards advance of selling the land measuring an extent of 3 acres which belonged to one



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Mr.Vinagam; that even after receiving the advance from the de facto complainant, the petitioner herein neither execute a sale deed nor return the money till date; that the petitioner by promising the de facto complainant's mother had obtained original property documents belonging to the de facto complainant for the sake of obtaining patta, but even the said original documents was not returned by the petitioner despite many requests; that the petitioner had given promissory note in favour of the de facto complainant. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

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

6. Considering the representation made by both sides, that there is a money dispute pending between the parties in respect of sale of property, that there are no previous cases pending against the petitioner 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:



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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 learned *Judicial Magistrate No.II, Chidambaram*, and on further conditions that:

[a] the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of thirty (30) days and thereafter, as and when required for the interrogation;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[e] the petitioner shall not abscond either during



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investigation or trial;

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

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To

- 1.The Judicial Magistrate-II,
Chidambaram.
- 2.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore.
- 3.The Public Prosecutor
High Court of Madras.



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P.DHANABAL, J.

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