



CRL OP(MD). No.4323 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.4323 of 2024

Prithivirajan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
District Crime Branch,
Thoothukudi.
In Crime No.5 of 2024.

... Respondent/ Complainant

Wilson

...Petitioner/Intervener/ Defacto complainant
in CRL MP(MD)No. 3477 of 2024

For Petitioner : Mr.M.S.Jeyakarthik,Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor.

For Intervenor : Mr.Raja Mohamed.B.N. Advocate
in CRL MP(MD)No. 3477 of 2024

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

PRAYER :-

For Bail in Crime No.5 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 02.02.2024 for the offences punishable under Sections 406, 420, 468, 471, 294(b), 506 (i) of IPC in Crime No.5 of 2024, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the first accused sold the properties in Survey Nos.360/2, 360/3b, 344/1, 345/14, 35/1a & 354/1b to the defacto complainant, fixing the sale consideration of Rs.97,00,000/-. Thereafter, the defacto complainant paid Rs.50,00,000/- as advance amount. At that time, the possession of the above mentioned lands was handed over to the defacto complainant and the agreement was entered between them that the balance amount of Rs.47,00,000/- will be paid at that time of registration. However, the first accused executed an Inam settlement deed, dated 07.12.2022 in favour of his son/A3. Thereby, the present complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any allegations as alleged by the prosecution. The petitioner is ready to execute the sale deed in favour of the defacto complainant on receipt of Rs.47,00,000/-. He would further submit that the petitioner is in judicial custody for more than 50 days. Hence, he prays for grant bail to the petitioner.



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4.The learned counsel for the defacto complainant would submit that since the possession of above mentioned lands was handed over to the defacto complainant, the defacto complainant is ready to pay a sum of Rs.47,00,000/- along with 12% interest from 27.06.2022 to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that it is purely civil dispute between the petitioner and the defacto complainant. Hence, he has no objection to grant bail to the petitioner.

6.Heard. Perused the materials available on record including the First Information Report.

7.Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, it is appeared to be civil dispute between the parties, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is ordered and 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.IV, Thoothukudi, and on further conditions that:

(a)the sureties shall affix their photographs and left thumb impression in the

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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the defacto complainant shall deposit a sum of Rs.47,00,000/- (Rupees Forty Seven Lakhs only) with interest of 12% from 27.06.2022 to the credit of the Crime No.5 of 2024 before the concerned trial Court, without prejudice to his defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order. The trial Court may disburse the said amount to the petitioner. On receipt of Rs.47,00,000/-, the petitioner has to execute the sale deed in favour of the defacto complainant, as per the agreement entered between them.

(b) the petitioner is directed to appear before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
22/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, PERAURANI,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-3596[I] dated 22/03/2024)

+1 CC to M/s.B.N.RAJAMOHAMED, Advocate (SR-3663[I] dated 25/03/2024)

ORDER

IN

CRL OP(MD) No.4323 of 2024

Date :22/03/2024

PKP/22.03.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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