



CRL OP(MD). No.6171 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6171 of 2024

Manoharan

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Jeeyapuram Police Station,
Tiruchirappalli District.
Crime No. 100 of 2024.

... Respondent/Complainant

For Petitioner : M/s. Jegadeesh Pandian.M,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (CrI.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.100 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police in connection with Crime No.100 of 2024 for the offence under Sections 294(b), 406, 420 and 506(i) of IPC, has filed this petition.

2.The case of the prosecution is that the petitioner is a land broker and he showed a property to the defacto complainant, for which, the defacto complainant paid a sum of Rs.20,00,000/- as advance amount. Thereafter, he came to know that there is no patta for the land. Therefore, he asked to return the said amount, for which, the petitioner and other accused have threatened him with dire consequences and has not returned the amount.

3.The learned counsel appearing for the petitioner submits that the petitioner is only a land broker and he has not indulged in any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor for the respondent strongly opposes

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for the grant of anticipatory bail on the ground that the investigation is yet to be completed.

5.This Court, by an earlier order dated 22.04.2024, directed the petitioner to appear before the respondent police and to co-operate for the investigation.

6.When the matter is taken up for hearing today, the learned Government Advocate (Crl. side) has filed a report confirming the submissions of the learned counsel for the petitioner that the petitioner is only a land broker and he was associated with the first accused in the transaction entered into between the parties. Paragraph No.4 of the status report is extracted for ready reference:

“4.Totally two accused in this case. The petitioner is arrayed as Accused No.2. He is a Land Broker and he associated with A1 Gowri in the transaction entered between the parties. The petitioner/ A2 admits the facts that during the enquiry, the de-facto complainant produced the copy of unregistered sale agreement entered into between the de-facto complainant and A1 Gowri dated 18.12.2019, proved the amount Rs.20 lakhs handed over to A1 in the presence of the petitioner. More over, at the time of



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updating the revenue records (UDR), the mentioned Property Survey Number was mentioned as 66/2 (Originally Survey No. 66/1). The said act is not conveyed to the de-facto complainant even at the time of execution of the sale agreement. A1 and A2/petitioner will not rectify and correct the said problems in the Revenue Records and not taken severe steps to change the patta land in her name and also failed to rectify the defects and variations in the UDR records and also obtaining the patta for the said property. A1 Gowri and A2 were joint together without any reasons wantonly had been delaying to complete the sale transaction and refused the repayment of advance amount of Rs.20 lakhs to the defacto complainant. Both the accused had committed fraudulent and cheating acts and they are not ready and willing to complete the sale of the property."

7.Considering the facts and circumstances of the case and also considering the status report of the respondent police, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a



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period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No-III, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;
- ii. The petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required.
- iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.



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iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
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Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate No-III, Trichy,
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Jeeyapuram Police Station,
Tiruchirappalli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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Date :14/06/2024



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RK/VR (25/06/2024) 7P / 5C

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