



CRL OP(MD) No.17203 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.17203 of 2023

M.MAHENDRAN

... PETITIONER/ACCUSED NO.1

Vs

State Rep.by
THE INSPECTOR OF POLICE
ANNANAGAR POLICE STATION (CRIME),
MADURAI CITY.
CRIME NO.268 OF 2023.

... RESPONDENT/COMPLAINANT

K.NEERAJ

... PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD).14570/2023 IN CRL OP(MD).17203/2023

For Petitioner	:	M/S.B.SUKUMAR, Advocate
For Respondent	:	MR.B.NAMBISELVAN, Additional Public Prosecutor
For Intervenor	:	MR.K.YASAR ARAFATH, Advocate

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

PRAYER : FOR BAIL IN CRIME NO.268 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who was arrested on 23.08.2023 for the offences punishable under Sections 406 & 420 of IPC, in Crime No.268 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and his brother A2 have

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entered into partnership in the name of New Thirupathy Textiles on 18.02.2013 and they have jointly purchased the disputed property on 15.09.2017 by obtaining housing loan from Bajaj Finance. The said partnership deed was dissolved on 01.04.2018. Thereafter, the disputed property was leased to one Palpandi, Sumathi, Neeraj and others. The petitioner and his brother have received Rs.4,50,000/- from the defacto complainant towards lease amount for his portion of the leased property. The petitioner has repaid the loan regularly from 02.08.2017 to 02.01.2020 without fail and subsequently, he could not pay the loan amount due to covid-19 pandemic situation. The petitioner's brother has not paid any amount towards his share of loan amount. In the meantime, the said Bajaj Finance got an order from CJM and of fixed at the possession notice in the disputed property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the entire issue between the petitioner/landlord and the defacto complainant/tenant was settled out of Court. Accordingly, he prays for bail.

4.The learned counsel for the defacto complainant has not disputed the fact submitted by the learned counsel for the petitioner.

5.The learned Additional Public Prosecutor would submit that in view of the the settlement arrived between the parties, the FIR will be closed in the manner known to law.



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6. In view of the above, the interim bail already granted by this Court dated 25.09.2023 is made absolute.

sd/-
22/02/2024

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/02/2024

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, ANNANAGAR POLICE STATION (CRIME),
MADURAI CITY.

4 THE OFFICER INCHARGE, MELUR SUB JAIL, MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.17203 of 2023
Date :22/02/2024

RS/ /SAR-(27.02.2024) 3P 6C
Madurai Bench of Madras High Court is issuing
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