



CRL OP(MD) No.23040 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23040 of 2023

RAJARAM

... PETITIONER /SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.18/2023).

... RESPONDENT / COMPLAINANT

S.KANNAN

...INTERVENING PETITIONER
/ DEFACTO COMPLAINANT
in CRL MP(MD)No. 77 of 2024

For Petitioner : MR.E.MAREESKUMAR, Advocate

For Respondent : MR.P.KOTTAICHAMY,
Government Advocate (Criminal Side)

For Intervener: MR.LAKSHMI GOPINATHAN, Advocate
in CRL MP(MD)No. 77 of 2024

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.18/2023 ON THE FILE OF THE
RESPONDENT POLICE

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ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 and 420 IPC in Cr.No.18 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sole accused. It is alleged that the petitioner and the de-facto complainant are partners. They purchased the properties and plotted out 56 plots and out of 56 pots, they sold several plots except 17 plots, which was given under a power of attorney to the petitioner and the sale consideration was not disbursed among the partners, thereby the aggrieved partners filed a complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person. He would further submit that the petitioner and the de-facto complainant invested huge amount for purchasing the properties and thereafter they have sold major portion of the properties as plots except 17 plots and it is purely a civil dispute, which is given a criminal colour and hence, prays for grant of anticipatory bail. The learned counsel for the petitioner, on instructions, would submit that the petitioner, in order to show his bona fide and without prejudice to his rights and contentions, is ready to pay a sum of Rs.5,00,000/- to the de-facto



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complainant, which may be disbursed to the de-facto complainant and if the petitioner succeeds in the trial, the petitioner will be entitled for refund of the said amount.

4.The learned Government Advocate (Crl. Side) would submit that since the defacto complainant was cheated for huge sum of money by the petitioner, a case has been registered.

5.The learned counsel for the intervenor would submit that there are four partners and four of them invested Rs.5 lakhs and purchased 56 plots and thereafter, they have executed power of attorney in favour of the petitioner for 17 plots and taking advantage of the power of attorney, the sale process was undertaken and that instead of giving money or plots to the de-facto complainant and other partners, the petitioner has transferred the properties in favour of his wife and other relatives and thereby cheated the share amount to the partners and hence, objected grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and considering the submission now made by the learned counsel for the petitioner, I am inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of six



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weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Virudhunagar, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner shall pay a sum of Rs.5,00,000/- (Rupees five lakhs only) by way of demand draft to the de-facto complainant without prejudice to his defence within six weeks from the date of receipt of a copy of the order and the concerned Magistrate, shall accept the sureties furnished by the petitioner on such payment being made and proof filed by the petitioner; on such payment being made, the trial court is directed to disburse the said amount to the de-facto complainant and if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank

pass Book to ensure their identity;

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(d)the petitioner shall report before the respondent police daily at 10.30 a.m.
until further orders;

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

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

(g)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;

(h)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR
TO
1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.



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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-193[I] dated 05/01/2024)

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-188[I] dated 05/01/2024)

ORDER
IN

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Date :04/01/2024

PKP/JGB/SAR- /12.01.2024/ 6P/7C

Madurai Bench of Madras High Court is issuing certified
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