

TNMD010019052026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Wednesday, this the 25th day of March, 2026.

CrI.M.P.No.1150/2026

CNR No.TNMD010019052026

Shahtaj Bashir Misgar, S/o.Bashir Ahmad Misgar

... Petitioner/Accused.

Vs

Dilip Shekhawat, S/o.Jai Singh Shekhawat

...Intervene Petitioner.

State through the Inspector of Police,

CCB Madurai City P.S. in Cr.No.11/2023

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.J.Vidya, Advocate for the petitioner, Thiru.B.Selvendran, Advocate for the intervene petitioner, and of Public Prosecutor for the State, this court passed the following:

Order

1. Bail application u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).
2. The learned counsel for the intervening petitioner/defacto-complainant has filed an intervening petition and he is permitted to assist the Public Prosecutor.
3. Heard both sides.
4. The learned counsel for the petitioner/accused would submit that the respondent police has registered a case in Crime No.11/2023 for the offences u/s 406, 420 & 120(B) of IPC against the petitioner and another. The respondent police arrested the petitioner and remanded to judicial custody on 02.03.2026 and is in custody for the past 24 days. The petitioner is innocent and he has not committed any offences as alleged. It is purely a commercial transaction, which is given criminal colour. The petitioner has not filed similar petition before the Hon'ble

Madurai Bench of Madras High Court or any other court. The petitioner is ready to abide by any conditions that would be imposed by this Court and prayed to allow the petition.

5. The learned Public Prosecutor and the learned counsel for the intervening petitioner submitted that totally there are 2 accused in this case and the petitioner is A1. As per the case of the prosecution, the defacto-complainant is the Proprietor of M/s Saroj Exports, Madurai. A1 and A2 are husband and wife. A1 and A2 represented a company viz. M/s Royal SDN International Co. Ltd. and they have placed order for Granite from the defacto-complainant's company in the year 2019, consignment was taken by them, but payment was not done and thereby cheated the defacto-complainant. The total value of amount cheated amount is USD 52878 = Rs.47,78,796/-. Hence, the complaint. Investigation is pending and objected to grant bail to the petitioner.

6. Rival contentions are taken into consideration. The alleged offences against the petitioner/accused are u/s 406, 420 & 120(B) of IPC.

7. The learned counsel for the petitioner/accused submitted that it is purely a commercial transaction, which is given criminal colour, the petitioner was not aware of the pendency of the FIR, that the petitioner is in custody for 24 days and prayed to consider his remand period. The defacto-complainant as well as the petitioner/accused made representation before the court that the matter may be referred to mediation. Accordingly, the matter was referred to mediation, wherein, the matter was settled between the parties and part payment of Rs.10 Lacs was paid to the defacto-complainant by the petitioner. Terms of settlement is received, which is perused and the same would show that the petitioner paid a sum of Rs.10 Lacs on 24.03.2026 to the defacto-complainant and it was agreed between the parties that further amount of ~~Rs.25 Lacs~~ ^{Rs.15 Lacs} will be paid to the defacto-complainant at the time of filing the petition to quash the FIR.

Amended as per order in Memo dt 26-03-2026.

PSJ

8. The learned counsel for the petitioner would further submit that the petitioner was not aware of the pendency of the FIR and that the petitioner would not abscond and co-operate for the investigation. It seems that the petitioner/accused belongs to other State and now settled in Vietnam. The learned Public Prosecutor contended that investigation is not yet completed, the petitioner's wife who is one of the accused is still absconding and that as the matter was settled between the parties, he left the matter to the discretion of the court. The petitioner is in custody for 24 days. Considering the above facts, the nature of offences, the duress period of petitioner, the terms of settlement received from mediation and the facts and circumstances of the case, this court is inclined to grant bail to the petitioner on conditions.

In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.25,000/- along with two sureties (one of the sureties shall be resident of Madurai District with Solvency Certificate) for a like sum each, with copy of Bank pass book, thumb impression, passport size photograph and copy of Aadhar Identity card to the satisfaction of Judicial Magistrate No.I, Madurai subject to the following conditions:-

(i) After release, the petitioner shall appear and sign before the Inspector of police, respondent police station **weekly once i.e. on every Monday at 10.00 a.m. until further orders.**

(ii) The petitioner shall not leave the country without permission of the court.

(iii) The petitioner shall co-operate with the investigation and shall not threaten the witnesses and shall not cause hindrance to the pending investigation.

(iv) That the petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected and

(v) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560.**

Pronounced by me in the Open Court on the 25th day of March, 2026.

Digitally signed by
SELVARAJAN
SIVAKADATCHAM
Date: 2026.03.25
18:15:42 +0530

Principal Sessions Judge,
Madurai

Copy to

1. The J.M.No.1. Madurai.
2. The Inspector of Police, CCB Madurai City P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.