

CRL.O.P.No.24720 of 2015**S.VAIDYANATHAN,J.**

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 r/w 417, 467 and 471 IPC in Crime No.4 of 2014 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the first accused viz., A.M.Mohan entered into a memorandum of understanding with the complainant S.Nagarajan, Director of M/s AL Triven Steels Limited, Chennai to purchase landed properties situated at Chittor, Santhavellore and Papankuzhi villages in Kancheepuram District for conveying the same to IVR Prime Urban Development Limited and the first accused received a total sum of Rs.5.09 crores as demand drafts and cheques from the defacto complainant promising to arrange 20 acres from one Sundarambal and the accused purchased lands only Rs.2.59 crores from the said Sundarambal and the remaining amount, the accused impersonated his sister by name Senthamarai as the land owner of Sundarambal and also the accused executed documents only for a part of the lands in favour of nominees of AL Triven Company, but the entire payment was collected by the first accused on behalf of the land owners and thus, cheated the complainant to the tune of Rs.27 crores. Hence, this complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

5.Learned Government Advocate (Crl. Side) would submit that based on the complaint of the defacto complainant, a case was registered in Crime No.96 of 2010 by the Sub Inspector of Police, Central Crime Branch on

25.02.2010 for offences under Sections 419, 420 r/w 34 IPC and after investigation, a charge sheet has been filed before the Chief Metropolitan Magistrate Court, Egmore, Chennai and the same was taken on file as C.C.No.88 of 2011 dated 10.01.2011. Thereafter, the complainant filed a petition in Crl.O.P.No.14032 of 2011 for further investigation and also for transferring the investigation into CBCID and the same was allowed in Crl.o.p.No.14032 of 2011 dated 28.09.2011. Aggrieved by the same, the accused 1 , 2 and 4 preferred appeals in SLP(Crl)Nos.8160, 8313 and 8317 of 2011 before the Hon'ble Supreme Court and the same were dismissed on 30.04.2014. Further, he submitted that the petitioner made some transaction with the defacto complainant through the first accused. But, sofar, he did not come to any adverse.

6.Considering the facts and circumstances of the case and taking note of the fact that the petitioner made some transaction with the defacto complainant through the first accused, but, sofar, he did not come to any adverse remarks, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of **fifteen(15) days** from the date of receipt of a copy of this order, before the XI Metropolitan Magistrate, Saidapet, Chennai, and 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 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] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

31.08.2016

ub

S.VAIDYANATHAN,J.

ub

Crl.O.P.No.24720 of 2015

31.08.2016