

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26420 of 2018

1 H.KARUNAKARAN, [PETITIONERS / ACCUSED]
2 S.K.GAJALAKSHMI,
3 G.SIVARAMAN,

Vs

STATE REP.BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
S-6, SANKAR NAGAR POLICE STATION,
CHENNAI CITY POLICE.
CR.NO.344 OF 2018.

For Petitioner : M/S.S.VIJAYAKUMAR Advocate

For Respondent : MR. M.PRABHAVATHI, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406, 420 and 506 (i) of IPC, in Crime No.344 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the de-facto complainant one Smt.Nalini is that, she is working in Block Development Office at Chittlapakkam and the second petitioner had entered into an agreement for construction on 19.06.2011, to construct the residential building approximately 2465 sqft., in ground floor, first floor. The petitioners have received a total sum of Rs.24,65,000/- and thereafter, the petitioners have not finished the construction. Hence the complaint.

4. The learned counsel for the petitioner would submit that all the petitioners are her husband and wife and third petitioner is the defacto complainant. They entered into an agreement to construct the residential buildings. The defacto complainant had once again given the complaint before the respondent police and as per direction of

this Court in Crl.O.P.No.3361 of 2018 by an order dated 06.02.2018, the respondent police had registered the case in Crime No.344 of 2018, dated 16.04.2018. During the Course of interrogation, the defacto complainant had obtained signatures in the Memorandum of Understanding, dated 22.09.2018 in continuance thereof a Sale Deed was executed for a value of Rs.12,41,300/- in favour of the defacto-complainant vide Doc.No.7265 of 2018, dated 05.10.2018 on the file of the Pammal, SRO. Therefore, he prays for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the defacto complainant to construct the residential building approximately 2465 sqft., a total cost of the construction was estimated of Rs.24,65,000/- at the time of commencement of construction works.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tambaram, Chennai, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] 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. The second petitioner shall report before the respondent police as and when required.

-sd/-
15/11/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TAMBARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-6, SANKAR NAGAR POLICE STATION,
CHENNAI CITY POLICE,

+1 CC to M/S.S.VIJAYAKUMAR Advocate on payment of necessary
charges SR.NO.21613

CRL OP.26420/2018

Date :15/11/2018

TA-22/11/2018



WEB COPY