

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.3400 of 2019

1 C.SHESHA RAM
2 SOHAN LAL

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE [RESPONDENT]
TEAM - XVI, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-07.
CR.NO.965 OF 2012, OFFENCE OF 419,420,468,471 IPC)

For Petitioner : M/S.N.S.NAGESHWARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the offence publishable under Sections 419, 420, 468, 471 of IPC in Crime No.965 of 2012 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the property belongs to the de facto complainant and it has been illegally sold by the accused persons in the year 2004, in favour of one Mr.Sundaresan and subsequently, Mr.Sundaresan sold the property to one B.Uma in the year 2005. Thereafter, B.Uma sold the property in the year 2006 to Mr.M.Ashok Kumar and these petitioners had purchased the property from the said Mr.M.Ashok Kumar on 23.06.2006. These petitioners have been made as accused only on the ground that they are the subsequent purchasers.

3.The learned Counsel for the petitioners submitted that the petitioners have purchased the property by paying a valid consideration and they had nothing to do with the alleged offence, which is said to have been committed in the year 2004. The learned Counsel for the petitioners further submitted that the petitioners have been unnecessarily added as accused in this case.

4. The learned Additional Public Prosecutor submitted that the petitioners have been added as accused only on the ground that the petitioners are the subsequent purchasers.

5. In view of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Alandur on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police as and when required for investigation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

14/02/2019

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

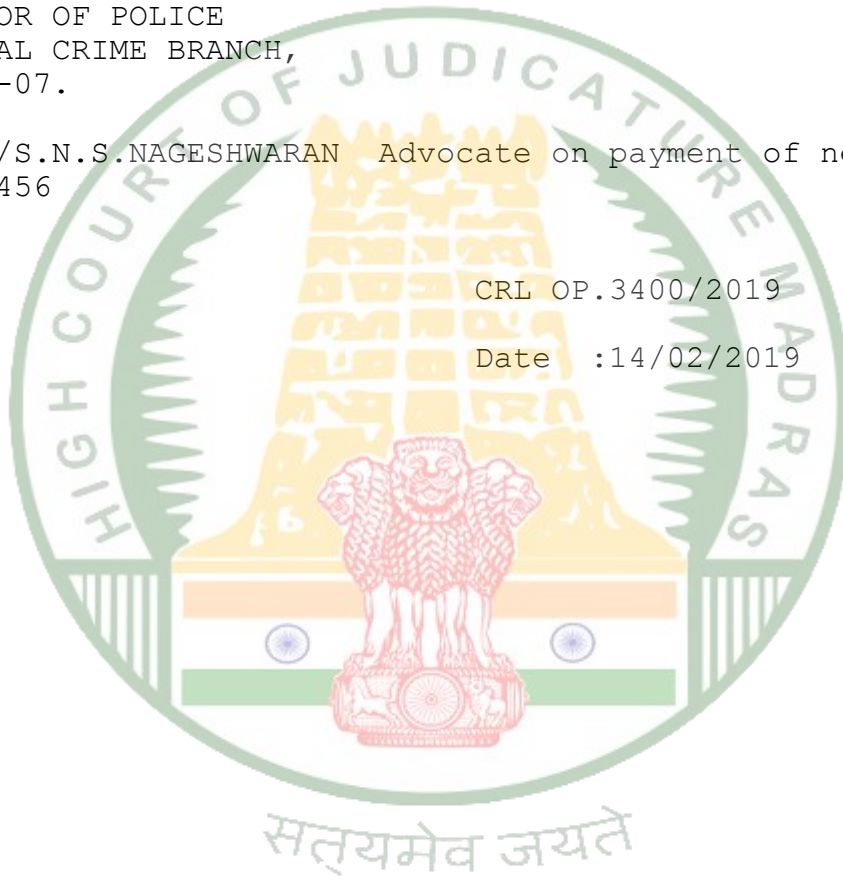
4 THE INSPECTOR OF POLICE
TEAM-XVI, CENTRAL CRIME BRANCH,
VEPERY, CHENNAI-07.

+1 CC to M/S.N.S.NAGESHWARAN Advocate on payment of necessary
charges SR.NO.3456

CRL OP.3400/2019

Date :14/02/2019

TA-19/02/2019



WEB COPY