

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.8507 of 2019

1 KAMATCHI [PETITIONERS / ACCUSED]
2 SHAMUGA VADIVEL

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF-II, TEAM IX-A,
VEPERY, CHENNAI.
CR.NO.503 OF 2018.

For Petitioner : M/S.K.BALU 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC, in Crime No.503 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant had paid a total amount of Rs.3.71 crores to A1 and A2 on the promise that they will register 9 plots in favour of the defacto complainant. Subsequently, neither was the amount repaid nor were the plots registered in favour of the defacto complainant.

3. There are four accused persons in this case and the petitioners are A3 and A4.

4. The learned counsel for the petitioners submitted that there are absolutely no allegations against these petitioners even in the complaint given by the defacto complainant and they have been falsely implicated in this case.

5. The learned Additional Public Prosecutor submitted that A1 and A2 were arrested by the respondent police and A2 was later released.

<https://hcservices.ecourts.gov.in/hcservices/>

6. The learned Additional Public Prosecutor further submitted that even though the entire allegations have been made as against A1 and A2, there is a bank transfer of a sum of Rs.1,00,000/- made in favour of A3.

7. The learned Additional Public Prosecutor also submitted that A3 and A4 are the husband and wife, and A3 was completely aware about the transaction and she was also a beneficiary of the entire fraudulent transaction.

8. Taking into consideration the facts and circumstances of the case and also of the fact that the allegations have been made as against A1 and A2 and they were the ones who are directly in touch with the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

9. 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 Learned Judicial Magistrate No.1, Poonamallee, on condition that the petitioners 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, 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 daily at 10.30 a.m. for a period of two weeks, and thereafter, every Monday at 10.30 a.m. until further orders.

[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/-
09/04/2019

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,
NO.I, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
EDF-II, TEAM IX-A,
VEPERY, CHENNAI.

+1 CC to M/S.K.BALU Advocate on payment of necessary charges
SR.NO.7380

CRL OP.8507/2019

Date :09/04/2019

TA-11/04/2019

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