

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3075 of 2020

K.G.R.SANKAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
T-12, POONAMALLEE POLICE STATION,
THIRUVALLUR DISTRICT.
(CRIME NO.2431 OF 2012)

For Petitioner : M/S. S.VINCENT Advocate

For Respondent : M/S.SARATHA DEVI V., GOVERNMENT ADVOCATE (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406 & 420 of IPC, in Crime No.2431 of 2012, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is arrayed as A3 in this case and the case of the prosecution is that the defacto complainant paid a sum of Rs. 25Lakhs as advance amount to purchase the property, thereafter the amount was not repaid and he sold the properties to someother third parties and hence this complaint.

3.The learned counsel for the petitioner would further submit that the petitioner is in no way connected in this case and in fact he is acting only as broker, he is not the owner of the property and the money transaction occurred in the year 2004, but complaint has been given in the year 2012 and he would further submit that he is falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (crl.Side) appearing on behalf of State submits that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that he transaction has occurred in the year 2004 and the case was registered only in the year 2012 and for the last 8 years no steps have been taken. Hence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Poonamallee, 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 learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner/A3 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;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
24/02/2020

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.II, POONAMALLEE.

<https://hcservices.ecourts.gov.in/hcservices/>
2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

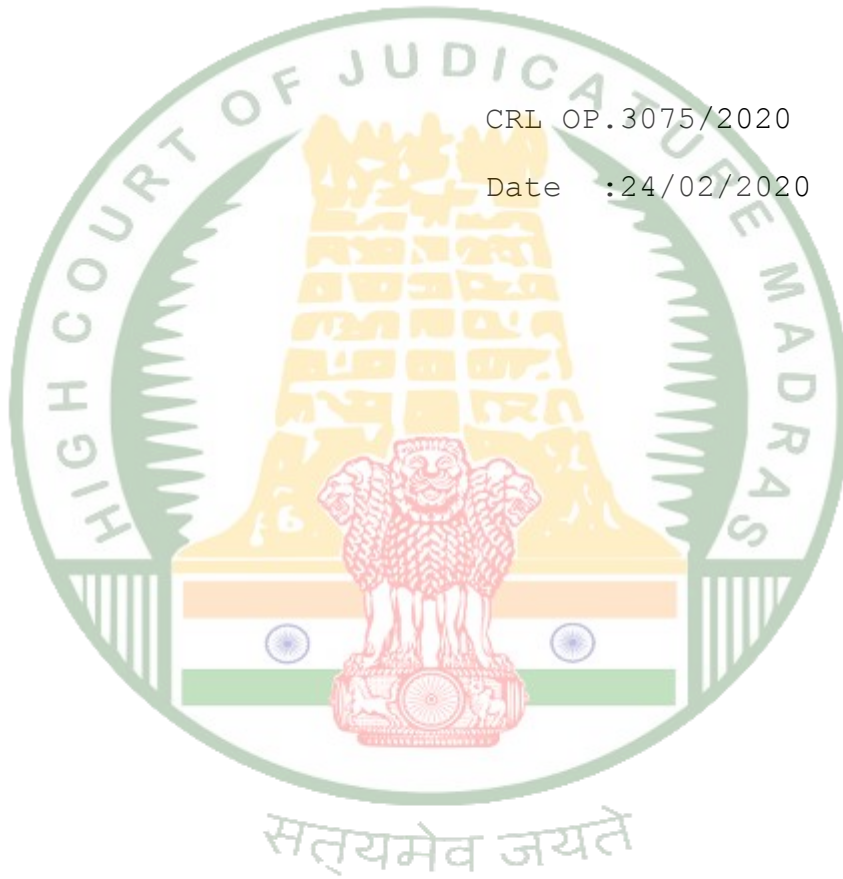
4 THE INSPECTOR OF POLICE,
T-12, POONAMALLEE POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. S.VINCENT Advocate on payment of necessary charges
SR.No.3689

CRL OP.3075/2020

Date :24/02/2020

cs 27/02/2020



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