

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )  
Tuesday, the Tenth day of March Two Thousand Twenty  
PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA  
CRIMINAL ORIGINAL PETITION No.4840 of 2020

RAGHU RAMAN

[ PETITIONER / ACCUSED ]

Vs

STATE REP. BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
SELAIYUR POLICE STATION,  
CHENNAI  
CRIME NO.964 OF 2019.

For Petitioner : M/S. T.ARUL Advocate

For Respondent : M/S.S.THANKIRA, Govt. 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 offences punishable under Sections 406, 420 & 506(i) of I.P.C., in Crime No.964 of 2019, seeks anticipatory bail.

2. The case of the de-facto complainant is that the accused had agreed to sell three shops belonging to him for consideration of Rs.52,00,000/- and entered into an agreement with the defacto complainant on 01.12.2017 following which, the petitioner received an amount of Rs.11,62,000/- on various dates as advance and thereafter, sold the property to some other persons and failed to refund the amount of Rs.11,62,000/- to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that a forged sale agreement had been prepared by the de-facto complainant based on which, a false complaint has been given against the petitioner. If at all the agreement is genuine, the de-facto complainant would have filed a suit for specific performance instead of filing criminal case. He further submitted that ever as per the prosecution, the entire averment would amount to breach of agreement and not a case of cheating. Hence, he prayed to grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor would submit that the petitioner on the promise of selling his shops taken an amount of Rs.11,62,000/- as an advance and thereafter cheated the complainant by selling the property to some other persons and also failed to return the amount received from the defacto complainant.

5. The learned Additional Public Prosecutor would submit that the petitioner under the guise of agreeing to sell his property, received an amount of Rs.11,62,000/- from the defacto complainant on various dates out of the total consideration of Rs.52,00,000/-, and cheated the de-facto complainant by not selling the property. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Taking into consideration of the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy is made ready, before the learned Judicial Magistrate, Tambaram, on condition that the petitioner shall execute a separate 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 petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

**[b]** the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

**[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]**.

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

-sd/-  
10/03/2020

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,  
TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
SELAIYUR POLICE STATION,  
CHENNAI.

+1CC to M/S. T.ARUL Advocate on payment of necessary charges  
SR NO.4816

MK:16/04/2020

CRL OP.4840/2020

Date :10/03/2020

WEB COPY