

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10357 of 2020

1.Jayaprabhurajan ... Petitioners
2.Radha

Vs.

State Rep. By ... Respondent
The Inspector of Police,
Guduvanchery Police Station,
Chenglepet District.
(Crime No.118/2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on Anticipatory bail, in the event of their arrest, by the respondent/complainant in pending investigation in Crime No.118 of 2020, on the file of the Inspector of police, Guduvanchery police station, Chenglepet District.

For Petitioner : Mr.D.Meenakshi Sundaram

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 392, 323, 506(ii) of the Indian Penal Code in Crime No.118 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the defacto complainant is the mother of the 1st petitioner and mother-in-law of the 2nd petitioner. The defacto complainant had purchased a land in the name of the 1st petitioner and the same was sold on 08.11.2019 for a sale consideration of Rs.51,16,000/-. Out of which the 1st petitioner gave only Rs.11,00,000/- to the defacto complainant. Thereafter, on threatening the defacto complainant, the petitioners have robbed the amount given to the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the sister of the 1st petitioner did not get her share from the sale consideration. Therefore, he instigated the defacto complainant and false case has been foisted against the petitioners.

Based on the complaint given by the defacto complainant, initially the respondent conducted enquiry and on finding that it is family dispute, did not register the case. Thereafter, the defacto complainant filed a petition before this Court for direction and the same was ordered. Based on which, the FIR has been registered. He would further submit that due to family dispute, an exaggerated complaint has been given by the defacto complaint. He would further submit the petitioners are preferred to co-operate with the enquiry and any stringent condition may be imposed. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the the petitioner are son and daughter-in-law of the defacto complainant. The petitioners have taken away the sale consideration which was kept in custody of the defacto complainant. He would further submit that the case has been registered based on the direction of this Court. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Judicial Magistrate No.II, Chenglepet, on condition that the petitioners 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:

[b] 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.

[c] the 1st petitioner shall report before the respondent police daily at 10.30a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation.

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

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

[f] 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]**.

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

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
09/07/2020

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,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
CHENGALPATTU DISTRICT.

CC to M/S. D.MEENAKSHI SUNDARAM Advocate on payment of
necessary charges

CRL OP.10357/2020

Date :09/07/2020

MN-RD-03/08/2020