

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.12687 of 2020

1.Senthilkumar
S/o.Ramamoorthy

2.Rameshkumar
S/o.Ramanathan.

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Nannilam Police Station,
Tiruvarur District.

Crime No.1285 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.1285 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.T.Arul

For Respondent : Mr.M.K.Prabakar

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 418, 406, 420, 465 and 468 of IPC, in Crime No.1285 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shanmugam is that the petitioners sold the house without showing the approved plan suppressing the fact that the said plot was below a High Tension Power Line and pending approval thereby cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner purchased the property in the year 2014 and sold it to the

defacto complainant's wife on 15.02.2019. The defacto complainant purchased the property knowing well aware of everything and now he has given a false complainant. He would also submit that the promoters of the land are taking steps to shift the electric connection.

4. The learned Additional Public Prosecutor would submit that the petitioner had sold his plot suppressing that there was a high tension wire above the plot and it was subject to pending approval.

5. Taking into consideration the facts and submissions of the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsiff cum Judicial Magistrate Court, Nannilam, Tiruvarur District, 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, 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday 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 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.

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

-sd/-
21/08/2020

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 DISTRICT MUNSIEF CUM
JUDICIAL MAGISTRATE, NANNILAM
TIRUVARUR DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
NANNILAM POLICE STATION,
TIRUVARUR DISTRICT.

CC to T.ARUL Advocate on payment of necessary charges

CRL OP.12687/2020

Date :21/08/2020

RD 09/09/2020

सत्यमेव जयते

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