

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13372 of 2020

R.Radha

... Petitioner

Vs.

The State Rep by its
The Inspector of Police,
CBCID, Tiruvannamalai.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.1 of 2020 on the file of the respondent police.

For Petitioners : Mr. R.S. Raveendhren

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 420 and 120 B of I.P.C., in Crime No.1 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner suppressing the encumbrance and pendency of litigations sold the property to a third party one Panner Selvam in the year 2009 and who in turn had sold the said property in favour of the defacto complainant on 17.08.2012. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the pending litigation between the petitioner and her brother, the petitioner's brother had sold the property to one Panner Selvam and who in turn had sold the property to the defacto complainant viz., M/s. Lalitha Jewellery. He would submit that the petitioner herself is also a victim. He would further submit that the de-facto complainant, who is a reputed businessmen and he had after perusing all the documents and after scrutiny of documents and getting a legal opinion, had purchased the property. Based on the said legal opinion,

he has also obtained loan from financial institutions. In fact the third party one Panner Selvam was granted anticipatory bail in Crl.O.P.No.5182 of 2020 dated 10.09.2020. He would further submit that the petitioner shall co-ordinate for the investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the subject property was originally belongs to the family members of the petitioner and her brother Nedunchehizan had sold the property to one Pannerselvam by suppressing the pending litigation. The said Pannerselvam, who in turn without disclosing the litigation had sold the property to the defacto complainant viz., M/s. Lalitha Jewellery. However, he opposed for grant of anticipatory bail to the petitioners.

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

6. 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 on which the order copy made ready, before the learned Judicial Magistrate - I, Tiruvannamalai, 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police every day at 10.30 a.m. for a period of one week and thereafter as and when required.

[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 229A IPC.

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

-sd/-
15/09/2020

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.I, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CBCID,
TIRUVANNAMALAI.

CC to M/S. R.S.RAVEENDHREN Advocate on payment of necessary charges

CRL OP.13372/2020

Date :15/09/2020

cs 24/09/2020

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