

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15910 of 2020

I.Nadiammal
2.K.Rajalakshmi
3.A.Rajathi

.. Petitioners

Vs.

The State rep. by
Inspector of Police
K-10, Koyambedu Police Station
Chennai District.
(Crime No.937 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.937 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.Thenrajan

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406, 420 and 506(ii) of IPC, in Crime No.937 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Sivakumar is that the petitioners and another accused induced the de-facto complainant to sell their property and received an amount of Rs.30,00,000/- and thereafter, the petitioners have not executed the sale deed and thereby, cheated the de-facto complainant. Later, the de-facto complainant came to know that under the guise of selling the above property, the petitioners have cheated several other persons by receiving money. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the de-facto complainant is a usurious money lender and that he had given some money to the husband of the first petitioner viz., Vasu during the course of business transaction and that since he was unable to pay the amount, a false complaint has been given. If at all, it is true that the petitioners have received an amount on the assurance of selling the property, the de-facto complainant could have very well filed a suit for specific performance. Instead, based on the false complaint, the de-facto complainant with the help of police is harassing the petitioners under the threat of arrest and is trying to usurp the property. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed by stating that the petitioners have taken an amount of Rs.30,00,000/- from the de-facto complainant on the assurance of selling their house and later, cheated the de-facto complainant.

5. Heard both sides and perused the FIR.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are 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 copy of this order is made ready, before the learned V Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 petitioners 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.

[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 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].

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

With the above direction, this Criminal Original Petition is ordered.

-sd/-
08/10/2020

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-10 KOYAMBEDU POLICE STATION,
CHENNAI DISTRICT.

+ CC to M/S.K.THENRAJAN Advocate on payment of necessary charges
SR.No.6770

CRL OP.15910/2020

Date :08/10/2020

cs 14/10/2020