

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.16678 of 2020

C.Ramaiah

... Petitioner

Vs.

The Inspector of Police,
M4, Redhills Police Station,
Chennai-52.
(Crime No.741 of 2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.741 of 2018 pending on the file of the respondent police.

For Petitioner : Mr.K.Nagarajan

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under **Sections 406 and 420 of IPC**, in Crime No.741 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant namely one Chokkulakaniyadevi is that she had purchased the property from her brother in law, namely one Balaji, situated at No.118 Padianallur Village, Ponneritaluk measuring 1200 sq.ft in plot no.439. Subsequently the same was sold to his close friend one D.Olivia on 04.03.2013 by a registered sale deed document No.2821 of 2013. While so, on 30.09.2018, the defacto complainant received a notice from D.Olivia saying that there is no such property in the particular survey number and thereafter, the defacto complainant had repaid the amount of Rs.6,000/- to D.Olivia. Later, the defacato complainant found that there is no such property in the particular survey number. Thereby, the petitioner cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit

that the petitioner is an innocent person and he has been falsely

implicated in this case. He further submitted that earlier 41(A) of Cr.P.C notice has been issued to the petitioner and the petitioner is also appeared before the respondent police for enquiry. Thereafter, the petitioner had filed an anticipatory bail petition and the matter is also referred to the Mediation Centre. However, they have not come forward for settlement. He further submitted that even as per complaint given by the defacto complainant, he had purchased the property during the year 2011 and the complaint has been given in the year 2018.

4. The learned Additional Public Prosecutor would submit that as per the complaint, the petitioner has cheated the defacto complainant by fraudulently selling the land after receiving an amount. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. 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;

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate, Ponneri**, 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 every Monday at 10.30 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 229A IPC.

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

-sd/-

20/11/2020

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M4 REDHILLS POLICE STATION,
CHENNAI-52.

+1 CC to M/S.K.NAGARAJAN Advocate on payment of necessary charges SR.No 7744

WEB COPY

CRL OP.16678/2020

Date :20/11/2020

MN-03/12/2020