

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2020

CORAM :

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18922 of 2020

Ramesh

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by The Inspector of Police,
District Crime Branch,
Kanchipuram.
(Crime No.17 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.17 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Sathishkumar

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 and 34 of I.P.C. in Crime No.17 of 2020, seeks anticipatory bail.

2.The prosecution is that the petitioner along with other accused persons, alleged to have mortgaged the property to an extent of 0.29 cents and sold the property to the defacto complainant by suppressing the real factors regarding the property and thereafter the petitioner herein cancelled the mortgage deed and thereby committed the offence.

3.The learned counsel appearing for the petitioner would submit that the dispute pertains to the civil in nature and the petitioner has not committed any offence and he will

abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is A4 and the defacto complainant was alleged to have been cheated by the petitioner and other accused. The petitioner and the other accused are the relatives of the defacto complainant. He would further submit that the property was mortgaged to the defaco complainant for a sum of Rs.1,00,000/- and later redeemed it.

5.Taking note of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Chengalpattu, 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 this Court 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 as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
02/12/2020

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, CHENGALPET.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KANCHEEPURAM.

+1 CC to M/S.S.SATHISHKUMAR Advocate on payment of
necessary charges SR.No 7891

CRL OP.18922/2020

Date :02/12/2020

MN-09/12/2020

WEB COPY