



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4057 of 2021

IN CRL.M.P.NOS.4015, 4017, 4018, 4020, 4021, 4028,
4024, 4025 & 4027 of 2021

1 N.RAJESWARI
2 U.VIDHYA

[PETITIONERS/ ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH TEAM-I,
VEPERY, CHENNAI-600 007.
CRIME NO.208 OF 2020.

[RESPONDENT]

PARTHA SARATHY

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4015 IN CRL.O.P.NO.4057/2021]

YUSUF
FARIDHA

[PETITIONERS/INTERVENERS/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4017 IN CRL.O.P.NO.4057/2021]

KUMAR

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4018 IN CRL.O.P.NO.4057/2021]

SATHISH KUMAR

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4020 IN CRL.O.P.NO.4057/2021]

BABU BASHA

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4021 IN CRL.O.P.NO.4057/2021]

KAMESHWAR

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4028 IN CRL.O.P.NO.4057/2021]

SATHYA PRIYA

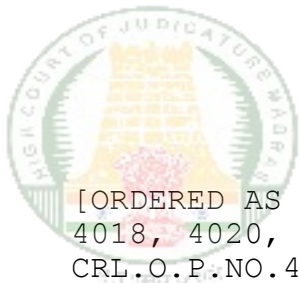
[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4024 IN CRL.O.P.NO.4057/2021]

T.SELVARASU

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4025 IN CRL.O.P.NO.4057/2021]

SIVA

[PETITIONER/INTERVENER/DE-FACTO COMPLAINANT
IN CRL.M.P.NOS.4027 IN CRL.O.P.NO.4057/2021]



[ORDERED AS PER ORDER OF THIS COURT DATED IN CRL.M.P.NOS.4015, 4017, 4018, 4020, 4021, 4028, 4024, 4025 & 4027 of 2021 IN CRL.O.P.NO.4057/2021]

For Petitioner : M/S.P.JESUS MORIS RAVI Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

For Intervener : M/S.S.S.RAJESH, Advocate [IN ALL THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 420 r/w 34 and 109 of IPC in Cr.No.208 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 in the case executed lease deed in favour of nine individuals and collected money. Later, they came to know that A1 is not the original owner of the property and hence, they demanded for repayment of the amount collected from them, however, A1 did not repay the amount. The petitioners are arrayed as A3 and A2 in the case. A3 is the mother - in - law of A1 and A2 is the wife of A1.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution.

4.The learned counsel appearing for the intervenors submitted that A1 in the case executed lease deed in favour of the intervenors. The learned counsel further submitted that the original owner of the disputed property mortgaged the property in a Nationalized Bank and failed to repay the loan amount. Hence, the Bank Officials initiated proceedings under SARFAESI Act and brought the disputed property under auction, thereby the intervenors came to know about the original owner of the property and thereafter, they demanded the amount given by them to A1, however, A1 failed to repay the amount. Hence, this is a clear case of cheating.

5.The learned Government Advocate (Criminal Side) submitted that investigation is at the initial stage and further submitted that till date A1 did not appear for investigation.

6.Without any authority A1 has executed lease deed in favour of the intervenors, which is a heinous offence. Hence, considering the nature of the offence committed by the accused and the fact that investigation is at the initial stage and the fact that till date A1 has not appeared for investigation, this Court is not inclined to grant anticipatory bail to the petitioners.



7. Accordingly, this criminal original petition is dismissed.

-sd/-

17/06/2021

WEB COPY

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 INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH TEAM-I,
VEPERY, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.JESUS MORIS RAVI Advocate on payment of necessary charges

+10 CC to M/S.S.S.RAJESH, Advocate on payment of necessary charges SR.NO.6625

CRL OP.4057/2021
IN CRL.M.P.NOS.4015, 4017, 4018, 4020,
4021, 4028,4024, 4025 & 4027 of 2021

Date :17/06/2021

TA-14/07/2021