IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1121 of 2021

1. D.Prema
2. Abirami ... Petitioners

Vs.

The State rep. by
Inspector of Police,
CCB-II,
Chennai-CCD District.
(Crime No.79 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.79 of 2020 pending on the file of the respondent.

For Petitioners : Mr.G.K.Thamizharasan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A2 and A3. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 419, 465, 467, 468 and 109 of I.P.C., in Crime No.79 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the property and A1 in this case has forged some documents and sold the property in favour of petitioners. In the said circumstances, based on the complaint given by the defacto complainant, being owner of the property, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail.

3. The learned counsel appearing for petitioners would submit

https://hcservices.ecourts.gov.in/hcservices/

that they are innocent purchasers and they are no way connected with the offence as alleged in the complaint. He would submit that they have purchased the property for a valuable consideration without knowing the fact that the defacto complainant is the owner of property. He would also submit that they have been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that these petitioners are only purchasers of the property and A1 has committed the crime. He would submit that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the petitioners said to have purchased the property for a valuable consideration, A1 was arrested, and there is no previous case pending against the petitioners, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court, Ponneri, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, 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 appear before the respondent police as and when required ;

[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

https://hcservices.ecourts.gov.in/hcservices/

the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
27/01/2021

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,
TIRUVALLUR DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB-II,CHENNAI-CCD DIST.

CC to M/S.G.K.THAMIZHARASAN Advocate on payment of necessary charges

CRL OP.1121/2021

Date :27/01/2021

ksm08/02/2021

https://hcservices.ecourts.gov.in/hcservices/