

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2648 of 2020

A.Raguram

.. Petitioner

Vs.

The State rep. By
The Inspector of Police
CCB, EDF-II, Team IX-A,
Egmore, Chennai.
Crime No.218 of 2019.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.218 of 2019, on the file of the respondent police.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner/A3, who apprehends arrest for the alleged offences under Sections 419, 465, 467, 468, 471 r/w Section 34 of IPC, in Crime No.218 of 2019, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that, a house site originally belonging to the defacto complainant, she had purchased it under the sale deed dated 31.04.2019 and registered under Document No.1432 of 1984 at Alandur, S.R.O. Later on 26.04.2019, thereafter, she executed a settlement deed in favour of her daughter.

3. Few months prior to the settlement deed dated 23.07.2018, the 1st accused in this case poses herself as a defacto complainant and executed a General Power of Attorney in favour of A2, which is attested by A4 and A5 and thereafter, sold the property to the present petitioner (A3), vide sale deed dated 08.12.2018, hence, the complaint.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent bono-fide purchaser and he is a

victim of the fraud committed by other accused. The learned counsel on instructions submitted that the petitioner is willing to execute such necessary documents to secure the absolute title to the original owner of the property, and pending the application and he has also reconveyed the property to the defacto complainant through an unregistered sale deed dated 10.03.2020. He further submitted that interim anticipatory bail was granted on 07.02.2020.

5. The learned Additional Public Prosecutor would submit that investigation has been completed and final report has been filed and the same was taken cognizance in C.C.No.2639 of 2020, on the file of the learned Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai.

6. Considering the facts and circumstances of the case, 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 Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 concerned Court once in a week i.e., every Monday at 10.30 a.m., 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 55601

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

-sd/-

04/01/2021

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 METROPOLITAN MAGISTRATE
CCB AND CBCID CASES, EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CCB, EDF-II, TEAM IX-A,
EGMORE, CHENNAI.

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.2648/2020

Date :04/01/2021

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MN-08/01/2021