

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3737 of 2021

1 PONNAMMAL
2 JEYARAJ

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUPPUR DISTRICT.
CR.NO.4/2021

For Petitioner : M/S. SINGARAVELAN, Senior Counsel for
M/S.N.UMAPATHI Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

For Intervener : M/S. M.N.BALAKRISHNAN Advocate [IN CRL.MP.3541/2021]
M/S. E.SATHIYARAJ Advocate [IN CRL.MP.4915/2021]

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 Sections 420, 506(i) of IPC r/w Section 82(d) of Registration Act in Cr.No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners formed a layout and sold the area allotted for children park to the defacto complainant. Therefore, the defacto complainant made a complaint.

3. The learned counsel for the petitioners submitted that the petitioners have inadvertently sold the public place to the defacto complainant. He also submitted that the petitioners are ready to give Rs.10,00,000/- to the defacto complainant.

4. The learned counsel for the defacto complainant did not agree for the said amount and submitted that it is a very meagre amount. Accordingly, he opposed to receive the said amount.

5. The learned Additional Public Prosecutor submitted that the petitioners indulged in fraudulent activities. Therefore, he opposed for grant of bail to the petitioners.

6. Considering the fact that the petitioners are willing to deposit a sum of Rs.10,00,000/- in favour of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.I, Udumalpet, on condition that the petitioners 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.10,00,000/- to the credit of Crime No.4 of 2021, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Trial Court shall disburse the said amount to the defacto complainant within a period of two weeks. If the defacto complainant refuse to receive the said amount, the same shall be kept in the credit of the crime number till the disposal of the case.

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter shall report before the respondent police on every Monday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

19/04/2021

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,
NO.I, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.N.UMAPATHI Advocate on payment of necessary charges
SR.No.5083

WEB COPY

CRL OP.3737/2021

Date :19/04/2021

cs 29/04/2021