



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

CRL.O.P.No.4499 of 2021

1.Samraj
2.Chinnasamy
3.Indirani

... Petitioners

Vs.

The State Represented by,
The Inspector of Police,
Egmore Police Station,
Chennai District.
(Crime No.53/2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the petitioners on bail in the event of their arrest in Crime No.53/2021 on the file of the respondent police.

For Petitioners : Mr.S.N.Arunkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioners apprehend arrest by the respondent police for the alleged offences punishable under Sections 420, 465, 467, 468 and 471 of IPC in crime No.53 of 2021 and seek anticipatory bail.

2. The case of the prosecution is that the accused who are eight in number in Crime No.53 of 2021 have cheated the defacto complainant by not fulfilling the terms and conditions of the agreement of sale dated 16.07.2006. The petitioners are the 6th, 7th and 8th accused in Crime No.53 of 2021.

3. However, it is the case of the petitioners that they are innocent and no way involved in the commission of the alleged offences. According to them, they purchased the property from A1, A2, A3 and A4 and they have no privity of contract with the de-facto



complainant. They have also stated in the Anticipatory Bail petition that several civil proceedings are pending pertaining to the same dispute. The learned counsel for the petitioners also submitted that on 26.05.2021 in Crl.O.P.No.9364 of 2021, the remaining accused have already obtained Anticipatory Bail from this Court. The copy of the order dated 26.05.2021 in Crl.O.P.No.9364 of 2021 has also been produced by the learned Government Advocate (Crl. Side) appearing for the respondent.

4. After giving due consideration to the aforementioned factors and in view of the fact that the co-accused namely A1 to A4 having already obtained Anticipatory Bail, this Court is inclined to grant anticipatory bail to the petitioners also subject to the fulfillment of certain conditions.

5. 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 lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Metropolitan Magistrate-XIV, Egmore, on condition that each of 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners shall each pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Chief Medical Officer, District Head Quarters Hospital (GH), Perambalur, towards Covid-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Court below is directed to entertain the bail bond only on production of proof for payment of the said sum.

[b] the petitioners 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.

[c] the petitioners shall report before the respondent police 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].

[g] Though obvious, it is made clear that if the accused thereafter absconds, consequences ingrained in Section 229-A I.P.C will follow wherever applicable.

-sd/-
11/06/2021

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
NO.XIV, EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EGMORE POLICE STATION,
CHENNAI DISTRICT.

5 THE CHIEF MEDICAL OFFICER,
DISTRICT HEAD QUARTERS HOSPITAL (GH),
PERAMBALUR, TOWARDS COVID-19 RELIEF.

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges

CRL OP.4499/2021

Date :11/06/2021

cs 09/07/2021