

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.5568 and 6080 of 2020

1.Sadanandam

2.Aarthy

... Petitioners in Crl.O.P.No.5568 of 2020

Samuel Issac

... Petitioner in Crl.O.P.No.6080 of 2020

-Versus-

State Rep. by

The Inspector of Police,

S-14, Peerkankaranai Police Station,

Kanchipuram District.

[Crime No.22 of 2020]

... Respondents in both Crl.O.Ps.

Prayer: Criminal Original Petitions filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.22 of 2020 pending investigation on the file of the respondent.

For Petitioner(s) : Mr.D.Gopikrishnan for
petitioners in both Crl.OPs

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor in both
Crl.OPs

COMMON ORDER

(This case has been heard through video conference)

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence under Sections 420, 468, 471, 294(b) and 506(i) of IPC on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The allegation is that the de facto complainant was intended to purchase a landed property. A1 in this case claiming to be an absolute owner of a land property entered into an agreement agreeing to sell the same to the de facto complainant and received a sum of Rs.7,20,000/- from the de facto complaint. But, on enquiry, it was found that the land was not the absolute property of A1 and it was an Eri Poromboke land and not even a patta was obtained by him. So far as these petitioners are concerned, the allegation is that they accompanied A1 when he received money from the de facto complainant.

4. The learned Additional Public Prosecutor submitted that the money was received by A1 and these petitioners had just accompanied A1 at the time when A1 received money from the de facto complainant and A1 was already arrested and had been released on bail.

5. Taking into consideration the facts and circumstances of the case and on considering the fact that the main accused is on bail and there is no serious allegation against the petitioners herein except that they accompanied A1 at the time when A1 received sale proceed from the de facto complaint, 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 - I, Tambaram 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 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 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) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/02/2021

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, TAMBARAM, KANCHEEPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 .
THE INSPECTOR OF POLICE, S-14
PEERKANAKARANAI POLICE STATION, KANCHIPURAM
DISTRICT

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

CRL OP.Nos.5568 and 6080 of 2020

Date :05/02/2021

RVR 24/02/2021

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