



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.6077 of 2020

WEB COPY

1. Gayathri
2. R. Vignesh
3. T. Anand

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
S-15 Selaiyur Police Station,
Chennai - 600 059
(Crime No.76 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police connected with Crime No.76 of 2020 on the file of the respondent police.

For Petitioners : Mr.K.P. Chandrasekaran

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

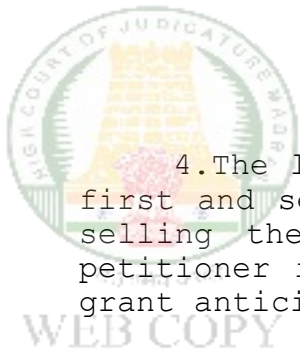
O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest for the alleged offences under Sections 406 and 420 of I.P.C in Crime No.76 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the first and second petitioners herein are arrayed as A2 and A3 in this case. The first petitioner/A2 is working as an General Manager and the second petitioner/A3 is working as a Executive Director in are M/s Sunshine property Developers, who have sold the property in question to the defacto complainant. It is further alleged that the defacto complainant have paid the entire sale proceeds and when he moved to the said premises, he came to know that the property does not belong to the Sunshine property Developers and they have cheated the defacto complainant by selling the disputed property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioners are not the owners of the M/s Sunshine property Developers and they are only agents and they have paid the collected amount to the proprietor of the concern. Hence, he prays for anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the first and second petitioners have cheated the defacto complainant by selling the disputed property. He further submitted that the 3rd petitioner is not an accused in this case. However, he opposed to grant anticipatory bail to the first and second petitioners.

5. Considering the submissions made by the learned Additional Public Prosecutor that the third petitioner is not an accused, this anticipatory petition stands dismissed as against the 3rd petitioner. Insofar as the first and second petitioners are concerned, considering the fact, that they are employees of the company, this court is inclined to grant anticipatory bail to the first and second petitioners with certain conditions. Accordingly, the first and second petitioners are 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 Judicial Magistrate I, Tambaram, on condition that the first and second 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the first and second petitioners 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 first and second petitioners shall report before the respondent Police as and when required for interrogation.

[c] the first and second petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the first and second petitioners 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 first and second 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 5560].



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

WEB COPY

-sd/-

21/01/2021

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,
NO.I, TAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-15 SELAIYUR POLICE STATION,
CHENNAI-600 059.

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

CRL OP.6077/2020

Date :21/01/2021

RVR 04/02/2021