



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7017 of 2021

Lokesh

... Petitioner

Vs.

State, represented by
The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.
(Crime No.133 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of their arrest concerned in Crime No.133 of 2021, on the file of the Inspector of Police, Guduvanchery Police Station, Chengalpattu District.

For Petitioner : Mr.M.Murali

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 341, 506(i), 420, 465, 467, 468, 471 and 474 of IPC in Crime No.133 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant one Mr.Rajendran lodged a complaint alleging that one Babu had illegitimately sold his property at Ayyanseri Village compromised in Survey No.6/16, Patta No.429. Hence, the law enforcing agency has been registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that he was a legitimate purchaser and he was cheated by his seller and others. He was ready to cancel the sale deed, bearing Document No.1609/2019, dated 17.12.2019 on the file of S.R.O.Guduvancherry. He further submits that the petitioner is willing to cancel the above said sale deed stands in his name, The



petitioner has purchased the property from A1, who is still absconding, so he was unable to cancel the sale deed. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that one Babu had illegitimately sold the defacto complainant's property at Ayyanseri Village compromised in Survey No.6/16, Patta No.429 to the petitioner, for which, the defacto complaint lodged a complaint against the petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. On instructions, the learned counsel for the petitioner has submitted that the petitioner is ready to cancel the said deed vide document No.1609/2019 dated 17.12.2019.

6. The learned counsel for the petitioner further submits that as and when A1 is secured, the petitioner is ready and willing to cancel the document/sale deed even today.

7. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is ready and willing to cancel the sale deed, this Court is inclined to grant anticipatory bail to the petitioner.

8. 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 of receipt of a copy of this order, before the **learned Judicial Magistrate Court -II, Chengalpattu** 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 and on further condition that:

(a) **the petitioner shall cancel the sale deed executed in his favour vide Document No.1609 of 2019, before S.R.O, Guduvancherry, dated 17.12.2019 after securing the vendor on or before 20.10.2021** and shall produce proof of such cancellation of sale deed to the learned **Judicial Magistrate-Court-II, Chengalpattu**, at the time of release on bail;

(b) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioner 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 petitioner 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/-
16/07/2021

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.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDUVANCHERY POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S.M.MURALI Advocate on payment of necessary charges
SR.NO.7551

CRL OP.7017/2021

Date :16/07/2021

TA-27/07/2021