

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

CORAM

THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.9364 of 2021

1. Brindha Kumar, W/o.Late K.Prabhakaran
2. Sridevi, W/o.Rajan
3. C.P.Supraja, C/o.Rajan
petitionerss 1 to 3 residing at
Old No.15-E-A, New No.21,
Govindaraj Building, 2nd Main Road,
K.K.Nagar, Mettupalayam, Coimbatore District.
3. V.Vsanathi, W/o.R.Venkatesan,
D.No.8, Amulya Apartments,
1st Cross, 1st Main, 1st Floor,
Near Ladies Hostel, Water Tank Road,
Bangalore – 54

... petitioners

सत्यमेव जयते
Vs.

State Rep. by
The Inspector of Police,
Egmore Police Station,
Chennai District.
Cr.No.53 of 2021.

... Respondent

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

For petitioners : Mr.S.N.Arunkumar

For Respondent : Mr.A.Damodaran

Government Advocate
(Crl. side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 467, 468 and 471 of IPC, in Crime No.53 of 2021 seek anticipatory bail.

2. According to prosecution, the petitioners entered into a sale agreement with the defacto complainant for sale of the property on 16.07.2006 and also received an advance of Rs.two lakhs from the defacto complainant. The further allegation is that though as per the agreement, the sale transaction has to be completed within three months, the petitioners have failed to execute the sale, resulting in registration of

the present case.

3. The learned counsel for the petitioners would submit that the second and third petitioners are daughters of the first petitioner and the fourth petitioner is the sister-in-law of the first petitioner. He further submit that defacto complainant and his partner one Sasi Kumar are trying to grab the property of the petitioners and hence, they have lodged a false complaint against the petitioners. It is further submitted that the advance amount received from them has been paid to the said Sasikumar and that there is civil and arbitration proceedings pending between the parties. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the petitioners, having entered into a sale agreement with the defacto complainant and receiving the advance amount, have failed to execute the sale deed and hence, objected for grant of anticipatory bail to the petitioners.

5. Considering the fact that that there was civil proceedings and

arbitration proceedings also followed between the parties and taking note of the nature of the claim, inspite of the objections raised by the prosecution, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned XIV Metropolitan Magistrate, Egmore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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.

[b] the petitioners 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.

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

[d] the 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 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]**.

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

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
vrc

To

Page 5 of 7

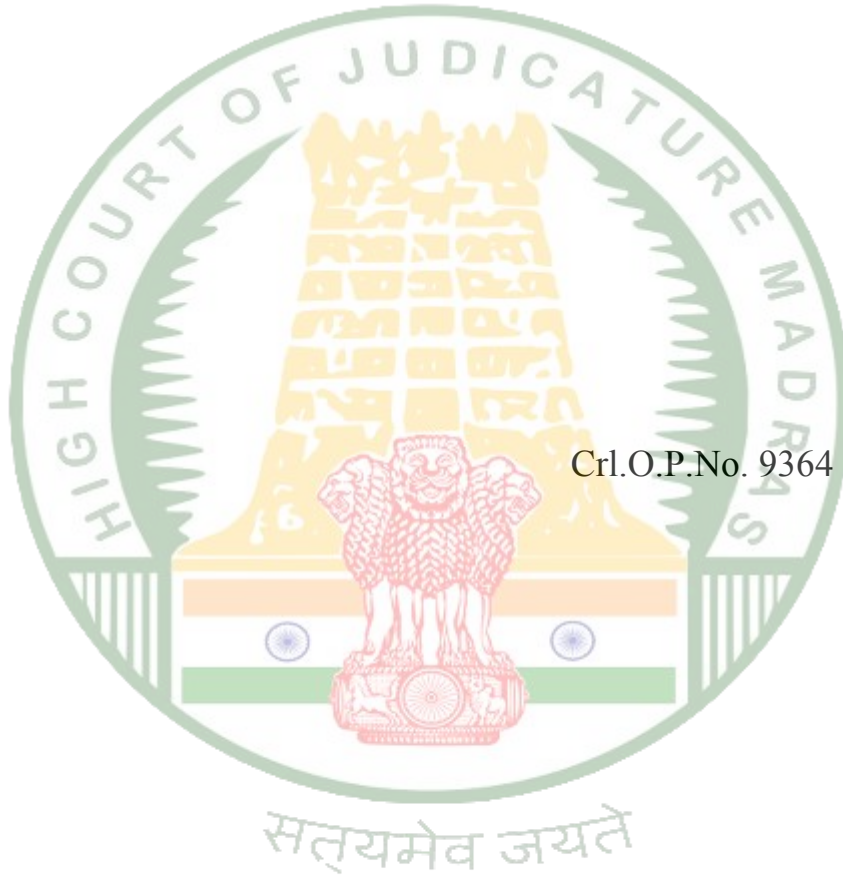
1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
Egmore Police Station,
Chennai.
3. The Government Advocate (Crl.side),
Madras High Court,
Chennai.



WEB COPY

T.V.THAMILSELVI, J.

VTC



Crl.O.P.No. 9364 of 2021

WEB COPY

26.05.2021