

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.13032 of 2020

1. Pandian @ Pandyanesh
2. Sajini @ Sajinibabu

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
S-15 Selaiyur Police Station,
Chennai.
(Crime No.1035 of 2020)

.... Respondent

PRAYER : Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1035 of 2020 pending on the file of the respondent.

For Petitioners : Mr.L.Infant Dinesh

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

For intervenor : Mr.S.Mohan Raj

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1 and A2. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 420, 416 and 468 of I.P.C. in Crime No.1035 of 2020 on the file of respondent police and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioners said to have entered into a sale agreement with the defacto complainant and a received a sum of Rs.5,10,000/-. Subsequently, they have failed to execute the sale deed. Hence, the complaint has been given, a criminal case has been registered against the petitioners. Now, apprehending arrest, they are seeking anticipatory bail.

3. Earlier, when the matter taken for hearing, the learned counsel appearing for petitioner would submit that the petitioner has agreed to repay the entire sum of Rs.5,10,000/- and also stated that

out of which, he has paid a sum of Rs.2,50,000/- to the defacto complainant and he will prepare to pay the balance amount of Rs.2,60,000/- within a period of four weeks. Recording the submissions, this Court has granted four weeks time to pay the amount. Thereafter, the matter has been adjourned and the matter is listed today.

4. Today, when the matter came up for hearing, the learned counsel appearing for petitioner would submit that now they have paid the entire amount of Rs.5,10,000/- to the defacto complainant and he has also received the acknowledgment for the same.

5. I have heard and considered the submissions made by learned counsel appearing for petitioner and also perused the records.

6. Considering the facts and circumstances, and also considering the fact that the entire amount has been repaid to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner, 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 No.I, Tambaram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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:

[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.

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

-sd/-

24/03/2021

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-I,
TAMBARAM, CHENNAI

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

CC to M/S L.INFANT DINESH Advocate on payment of necessary charges SR.NO. 4027

CRL OP.13032/2020

Date :24/03/2021

rvr 01/04/2021

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