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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.12462 and 11537 of 2021

John Basha ... Petitioner in Crl.O.P.12462/2021

1.Sharfunisha ... Petitioner in Crl.O.P.11537/2021
2.Shain
3.Parveen

Vs.

State through ... Respondent in both Crl.O.Ps.
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
(Crime No.846 of 2021)

Common Prayer:

Petitions filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest or surrender in Crime No.846 of 2021 on the file of the respondent police.

For Petitioners : M/s.B.M.Santharam

For Respondent : Mr.C.E.Pratap
for P.P.

COMMON ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 506(1) and 420 of I.P.C. r/w. Section 4 of TNPHW in Cr.No.846 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 in the case sold family property for a sum of Rs.8 Lakhs, however, he did not give the share of the defacto complainant. The defacto complainant is the sister of A1. The petitioner in Crl.O.P.No.12462 of 2021 is arrayed as A1. The petitioners in Crl.O.P.No.11537 of 2021 are arrayed as A2 to A4 and they are the wife and daughters of A1.

3.The learned counsel appearing for the petitioners, on instructions, submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.4 Lakhs to the credit



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of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant, an appropriate affidavit of undertaking shall be obtained from the defacto complainant.

4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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, Sriperumbudur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) to the credit of Cr.No.846 of 2021 before the learned Judicial Magistrate, Sriperumbudur. On such deposit being made, the learned Judicial Magistrate, Sriperumbudur, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.4 Lakhs deposited by the petitioners will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(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]**; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
20/07/2021

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,
SRIPERUMBUDHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM.

+1 CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges SR.NO.7610

CRL OP.12462 & 11537/2021

Date :20/07/2021

TA-29/07/2021