

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NOS.15312 & 14284 OF 2020

M.RAJESH [PETITIONER / ACCUSED
IN CRL.OP.NO.15312 OF 2020]

1 A.NELSON SAMUEL [PETITIONER / ACCUSED
2 A.GODWIN WILSON IN CRL.OP.NO.14284 OF 2020]

Vs

THE STATE REP BY, [RESPONDENT
THE INSPECTOR OF POLICE, IN CRL.OP.NO.15312 OF 2020]
CENTRAL CRIME BRANCH-I,
CHENNAI.
(CRIME NO.326 OF 2019)

STATE REP.BY [RESPONDENT
THE INSPECTOR OF POLICE, IN CRL.OP.NO.14284 OF 2020]
CCB, COMMISSIONER OF POLICE,
VEPPERY, CHENNAI.
(CR.NO.326 OF 2020)

For Petitioner : MR.WILSON, Senior Counsel for
M/S.M.A.MUTHALAKAN Advocate
[IN CRL.OP.NO.15312 OF 2020]

For Petitioner : M/S T.K.S.BHARATHY ANANDRAJ Advocate
[IN CRL.OP.NO.14284 OF 2020]

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate(Criminal Side)
[IN BOTH THE PETITIONS]

For Intervenor : M/S.C.A.THEAGARAJAN Advocate
[IN BOTH THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A4, A1 & A3, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 465, 468, 471 and 120 IPC in Crime No.326 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the defacto complainant is the owner of the property. The defacto complainant entered into a joint venture agreement with the petitioners for developing his property, whereby the petitioners are entitled for 45% share and for the balance 55%, six flats to be developed and handed over to the defacto complainant. According to the defacto complainant, the petitioners have completed only 75% work in the flats, which are supposed to be handed over them. However, they have completed 100% of work in their share and sold the flats to the third parties. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioner/A4 is only an employee and he has no participation in the said crime. He further submitted that the issue is pending before the appropriate forum and also submitted that a civil suit is also pending before the Principal District Judge, Chengalpet. However, in order to show their bona fide, the petitioners are ready and willing to deposit Rs.7,50,000/- Lakhs each to the credit of Crime No.326 of 2019, without prejudice to their rights before the trial Court.

4.The counsel appearing for the intervenor vehemently opposed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that a civil suit is pending before the lower court.

6.Taking into consideration the facts and circumstances of the case and also that the petitioners are ready and willing to pay a sum of Rs.7,50,000/- each to the credit of Crime No.326 of 2019, with prejudice to their rights and contentions before the trial Court, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are directed to deposit a sum of Rs.7,50,000/- each to the credit of Crime No.326 of 2019, within a period of four weeks from the date on which the order copy made ready and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Special Judge, Special Court for CCB cases, Egmore, Chennai, and on further condition that the petitioners shall execute a separate 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 petitioners shall deposit a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand only) each to the credit of Crime No.326 of 2019, within a period of four weeks from the date on which the order copy made ready and upon receipt of the same, the Judicial Magistrate concerned shall disburse the same to the defacto complainant without prejudice to their rights and contentions before the trial Court; after opptening

appropriate affidavit.

(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. for a period of two weeks and thereafter 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]; and;

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

-sd/-

19/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1. THE SPECIAL JUDGE
SPECIAL COURT FOR CCB CASES, EGMORE, CHENNAI.
2. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH-I,
CHENNAI.
3. THE INSPECTOR OF POLICE,
CCB, COMMISSIONER OF POLICE,
VEPPERY, CHENNAI.

4.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

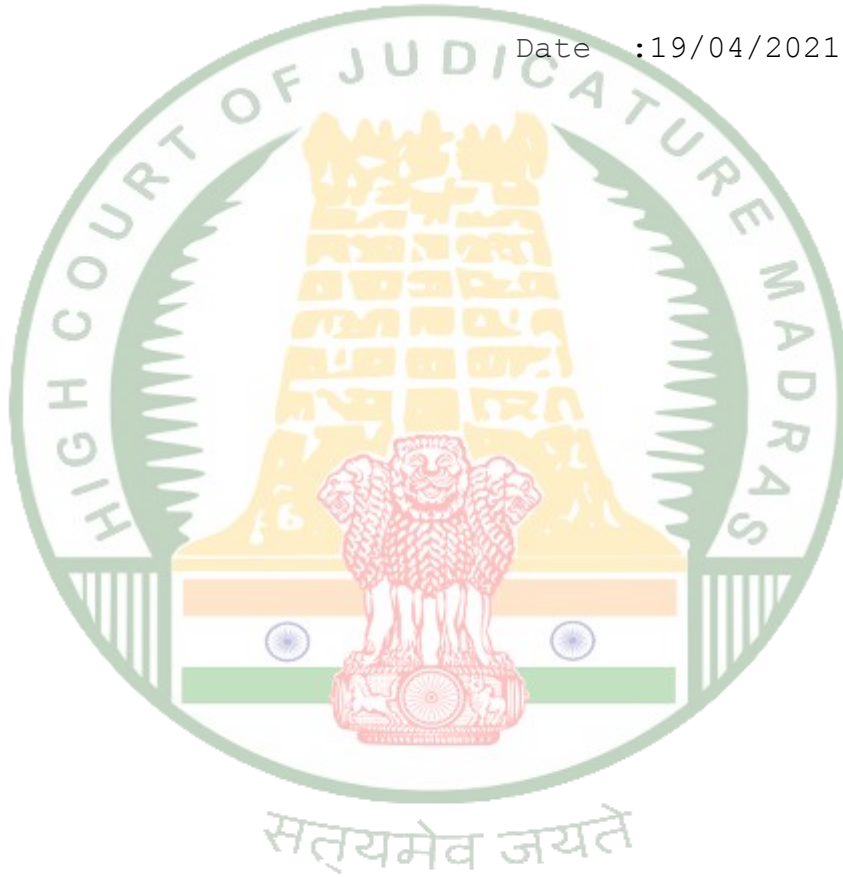
+1 CC to M/S.T.K.S.BHARATHY ANANDRAJ Advocate on payment of
necessary charges SR NO. 5088

+1 CC to M/S.C.A.THEAGARAJAN Advocate on payment of necessary
charges SR NO. 5062

CRL Ops.15312 and 14284/2020

Date :19/04/2021

TK/27.04.2021



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