



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

Tuesday, the Seventeenth day of August Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION Nos.14118 & 14163 of 2021

1 P.SRINIVASAN
2 SANTHOSH
3 S.SARAVANAPERUMAL

[PETITIONERS / ACCUSED IN
CRL.O.P.No.14118/2021]

R. KARTHICK

[PETITIONERS / ACCUSED IN
CRL.O.P.No.14118/2021]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
KANCHEEPURAM DISTRICT
CR NO. 5/2021 respectively

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner :M/S ABRAR MOHAMED ABDULLAH Advocate for
M/s D.MUTHURAMALINGAM Advocate
(IN CRL.OP.No.14118/2021)

M/S B.KUMAR, SENIOR COUNSEL for
M/s P.T.RAMESH Advocate
(IN CRL.OP.No.14163/2021)

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)
(IN BOTH THE PETITIONS)

FOR Intervenor : M/S K.M.BALAJI Advocate(IN BOTH THE PETITIONS)

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

ORDER : The Court Made the following order :-

The petitioners (in Crl. OP.Nos.14118 & 14163 of 2021), who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 406, 420, 506(i), 120B of IPC read with section 4(1), 14 & 76(1) of the Chit Funds Act, 1982 in Crime No.5 of 2021 on the file of the respondent police, seek anticipatory bail.



2. The petitioners are arrayed as A2 , A3 and A5 in Crl.OP.No.14118 of 2021 and the petitioner is arrayed as A4 in Crl.OP.No.14163 of 2021. The case of the prosecution is that the defacto complainant subscribed to the chit transaction run by A2 in the name and style of SKP Finance. For the purpose of subscribing to the chit transactions, the defacto complainant and his father executed a general power of attorney in favour of A4 for security purpose. The petitioners joined together and executed the property in favour of A5. Hence, the complaint.

3. The learned Senior counsel appearing for the petitioner in Crl.OP.No.14118 of 2021 submitted that the petitioner is an innocent and he has been falsely implicated in this case and he is doing real estate business. The defacto complainant used to approach the petitioner for the purpose of arranging sale transactions of the lands. In the course of business, the petitioner used to give advance amount to the defacto complainant for the purchase of the lands. When the defacto complainant was not able to materialize the sale arrangements, a huge amount was pending to be returned to the petitioner. In order to secure the said amount, the petitioner obtained the power of attorney vide Doc.No.4003 of 2019 dated 19.09.2019 on the file of the Joint sub Registrar, Kancheepuram from the father of the defacto complainant. Thereafter, the defacto complainant executed a Power of Attorney in favour of A4 and the said proceedings was recorded in CCTV at Sub Registrar Office. Suppressing all the facts, the defacto complainant lodged a complaint before the Inspector of Police, Land Grabbing Cell, Kancheepuram District. After investigation, the Inspector of Police closed the complaint lodged against the petitioners by the defacto complainant. Again, the defacto complainant lodged a false complaint before the respondent police against the petitioners, which is not sustainable one. Hence, the learned counsel prayed for grant of anticipatory bail to the petitioner.

4. The learned counsel for the defacto complainant submitted that A1 to A3 conducted illegal chit, in which, the defacto complainant executed a power of attorney in favour of A4. Thereafter, the petitioners joined together and executed a power of attorney in favour of A5 and cheated the defacto complainant. Hence, he vehemently opposed to grant bail to the petitioners.

5. The learned counsel for the petitioners in Crl.OP.14163 of 2021 of 2021 has adopted the arguments of the learned Senior counsel for the petitioner in Crl.OP.No.14118 of 2021 and prays to grant anticipatory bail to the petitioners.

6. The learned Government Advocate has not disputed the facts of the case and he has no serious objection to grant anticipatory bail to the petitioners.



7. On perusal of the closure report, it is seen that the defacto complainant and his father lodged a complaint before the Land Grabbing Cell against the petitioners. The same was closed after investigation. Suppressing all these facts, for the very same issue, the defacto complainant has again lodged a complaint against the petitioners before the respondent police.

8. Taking into consideration the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:

9. 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 Chief Judicial Magistrate, Chengalpattu on condition that the petitioners shall execute an individual 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

17/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU

2 THE INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING,
KANCHEEPURAM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to D.MUTHURAMALINGAM-MS/1020/2011 Advocate on payment of necessary charges Sr.8649

+1 CC to M/S.K.M.BALAJI Advocate on payment of necessary charges Sr.8749

+1 CC to M/S P.T.RAKESH Advocate on payment of necessary charges Sr.8650

CRL OP.Nos.14118 & 14163/2021

Date :17/08/2021

RVR 24/08/2021