

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 No.16728 of 2020

R.ANBUVEL RAJAN

[PETITIONER / ACCUSED]

Vs

1 THE INSPECTOR OF POLICE
J2 ADYAR POLICE STATION,
CHENNAI-20.
FIR.NO.708 OF 2020

[RESPONDENTS]

2 CENTRAL CRIME BRANCH
OFFICE OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI-600 007.

For Petitioner : M/S.K.VENKATAPATHY Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

For Intervener : M/S. L.INFANT DINESH Advocate

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 406, 420, 465, 468, 471 of IPC in Crime No.708 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, Soori is a cine actor and he was engaged by the petitioner to the comedy role in the film at the introduction of A2-Ramesh, which was produced by the petitioner and his remuneration was fixed Rs.40 lakhs. During the shooting, he was interested to purchase land in and around Chennai, for which, the defacto complainant entered into an agreement with the petitioner as power holder of the original title holders, for purchase of the property at Rs.5,76,45,000/- and for which, Rs.40 lakhs was paid to the petitioner as advance as he has to give

this amount to the defacto complainant for acting in his film as comedian. The defacto complainant paid Rs.2,15,00,000/- on different dates for purchase of the alleged property and totally a sum of Rs.2,69,92,500/- has been paid for the forged sale agreement. When he asked the amount, the petitioner neither return the money nor register the property. Hence, the present complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is no way connected with the offence as alleged. He further submits that the petitioner without prejudice to his defence and contentions, in order to show his bona fide, on his own volition, is ready and willing to deposit a sum of Rs.20 lakhs to the credit of above crime number thereafter, the said amount may be dispensed in favour of defacto complainant and prays for grant of anticipatory bail to the petitioner.

4. The learned counsel for the Intervenor submitted that the petitioner along with Ramesh were said to have cheated crores of rupees for purchase of the property. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner and one Ramesh were said to have cheated crores of rupees under the guise of agreement holder and on misusing their power and they registered the property illegally in favour of the defacto complainant. The value involved being very substantial, he vehemently opposed for grant of anticipatory bail to the petitioner.

6. Taking into consideration the submission made by the learned counsel on either side and further considering the fact that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.20 lakhs, to the credit of the above crime number on or before 30.04.2021, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20 lakhs to the credit of the crime number, which is subject matter of the present petition and on such payment being made, the petitioner shall be released on bail in the event of arrest or on his surrender before the learned IX Metropolitan Magistrate, Saidapet and on further condition that the petitioner 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 petitioner 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;

(b) the petitioner is directed to deposit a sum of Rs.20 lakhs to the credit of Crime Number which is the subject matter of the present petition and thereafter, the defacto complainant is permitted to withdraw the amount. If the petitioner succeeds in the criminal case, the defacto complainant shall refund the amount to the petitioner.

(c) the final order in respect of the said deposit shall be decided by the learned trial judge at the conclusion of the trial.

(d) the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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;

(h) 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

TRUE COPY

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

TO

1 THE METROPOLITAN MAGISTRATE
NO.IX, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
J-2 ADYAR POLICE STATION,
CHENNAI-20.

4 THE CENTRAL CRIME BRANCH
OFFICE OF THE COMMISSIONER OF POLICE,
VEPERY, CHENNAI-600 007.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.K.VENKATAPATHY Advocate on payment of necessary
charges SR.No.5141

+1 CC to M/S.L.INFANT DINESH Advocate on payment of necessary
charges SR.No.5076

CRL OP.16728/2020

Date :19/04/2021

cs 27/04/2021

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