



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15959 of 2021

1 DHANASEKARAN
2 DURAI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, RANIPET DISTRICT.
CRIME NO. 499/2021.

[RESPONDENT]

For Petitioner : M/S. R.RAJARAJAN Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 294(b), 420 and 506(ii) of IPC in Crime No.499 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased the property to an extent of 3960 sq.ft and the sale consideration has been fixed at Rs.18,62,000/- . The defacto complainant has paid an advance amount of Rs.16,65,000/-, Thereafter, the accused persons demanded another sum of Rs.18,00,000/- by way of demand draft and when the defacto complainant informed them that she had already paid the entire sale consideration, the accused person told that after registration she can encash the DD and can get back the said amount. Therefore, the defacto complainant has taken the demand draft for a sum of Rs.18,00,000/- and the sale deed was also registered in her name. After the registration, whenever the defacto complainant demanded the payment of Rs.16,65,000/- paid by her, the accused persons have refused to return the same and attempted to cheat her. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that this court vide order dated 31.08.2021 in CrI.OP.No.15620 of 2021, the co-accused was enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) submits that there is a dispute between the petitioner and the defacto complainant regarding sale transaction of the property, the present complaint has been filed.

5.Considering the fact that the case is civil in nature and the co-accused was enlarged on bail , 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 District Munsif-Cum-Judicial Magistrate, Arcot on condition that each of the petitioners shall execute separate bonds 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 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 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;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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;



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

WEB COPY

-sd/-

03/09/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
ARCOT, RANIPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.RAJARAJAN Advocate on payment of necessary
charges SR.No.9591

CRL OP.15959/2021

Date :03/09/2021

APN 24/09/2021