



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16321, 16324 of 2021

INDIRA

[PETITIONER / ACCUSED
IN CRL.O.P.NO.16321/2021]

BALAJI

[PETITIONER / ACCUSED
IN CRL.O.P.NO.16324/2021]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
RANIPET DISTRICT.
CRIME NO.508 OF 2021.

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner : M/S.E.KANNADASAN, Advocate [CRL.O.P.NO.16321/2021]

For Petitioner : M/S.D.DAYALAN, Advocate [CRL.O.P.NO.16324/2021]

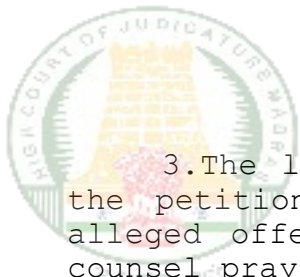
For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420 & 506(i) of IPC in Crime No.508 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the original owner Rahi Munnisha Begum executed the General Power of Attorney in favour of the defacto complainant in the year 2006. Thereafter, the defacto complainant entered into sale agreement with A-1 on 25.05.2006 and received a sum of Rs.3 lakhs as advance. In the meanwhile, the original owner cancelled the power of attorney on 11.01.2007 and executed a sale agreement in favour of A2 on 23.07.2014. Aggrieved over the same, the defacto complainant filed a private complaint under section 156(3) of Cr.P.C. and the same was forwarded to the law enforcing agency, thereby, the law enforcing agency registered a case in Crime No.508 of 2021.



3. The learned counsel appearing for the petitioners submit that the petitioner are innocent and they are nothing to do with the alleged offences as stated by the prosecution. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

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4. The learned Government Advocate submits that investigation is pending. Hence, he opposed grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made on either side, 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 the petitioner shall execute 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) 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 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 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;

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

-sd/-

08/09/2021

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

TRUE COPY



TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary
charges SR.NO.9766

+1 CC to M/S.D.DAYALAN, Advocate on payment of necessary charges
SR.NO.9768

CRL OP.16321 & 16324/2021

Date :08/09/2021

TA-17/09/2021