

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18575 of 2020

1 N.MALARKODI
2 D.NATARAJAN

[PETITIONERS / ACCUSED]

Vs

THE SUB INSPECTOR OF POLICE [RESPONDENT]
ARCOT TOWN POLICE STATION,
VELLORE.
CR.NO.835 OF 2020

For Petitioner : M/S.M.MURALI Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420 and 506(i) of IPC in Crime No.835 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are wife and husband. The 1st petitioner sold the alleged property in favour of the defacto complainant in the year 1989. Consequently, the very same property was sold to one Prasilla. It is further case of the prosecution that when the defacto complainant enquired regarding the said transaction, the petitioners quarrelled and threatened the defacto complainant with dire consequences and thereby cheated. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent people and they were no way connected with the offence as alleged. It is further stated that they were falsely implicated in this case. He further stated that the defacto complainant instituted a suit in O.S.No.6 of 2021 before the learned District Munsif Court, Arcot, Ranipet, seeking for declaration

and consequently the subsequent sale deed is null and void. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were said to have cheated the defacto complainant by way of executing subsequent sale deed and the investigation is still pending.

5. Taking into consideration the facts and circumstances of the case and taking note of the fact that the case of the disputed property was pending before the Civil Court, this Court is inclined to grant anticipatory bail to the petitioner.

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 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 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 shall report before the respondent police as and when required for interrogation;

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

(d) the petitioner 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/-
08/04/2021

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 DISTRICT MUNSIF COURT,
ARCOT, RANIPET.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ARCOT.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
ARCOT TOWN POLICE STATION,
VELLORE.

+2 CC to M/S.M.MURALI Advocate on payment of necessary charges
SR.No.4568

WEB COPY

CRL OP.18575/2020

Date :08/04/2021

cs 16/04/2021