



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.17944 of 2021

1 RAMESH KUMAR GULECHA
2 KHIMRAJSAKARIYA
3 VIJAY KUMAR GULECHA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CHENGALPATTU,
CRIME NO.3 OF 2021.

[RESPONDENT]

For Petitioners : M/S. M.GURUPRASAD Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 at the hands of the respondent police for the offences punishable under Sections 336 & 420 of IPC, in Crime No.3 of 2021, seek anticipatory bail.

2. The case of the prosecution is that, the 1st petitioner is a flat holder, 2nd petitioner is the power agent and the 3rd petitioner is the share holder of the property, from whom the de-facto complainant purchased the house flat for a valid consideration on 05.03.2020. Thereafter, she found that the flat was not properly constructed and there is a gap between connecting walls and there is a constant seepage of water and the electrical wire was also not constructed properly. Hence, her family is not able to use the property and their life is also unsafe in the said flat, which was conveyed to A1 to A3. Suppressed the defects, the property was sold to the de-facto complainant. Hence, she lodged the complaint.



3. The learned counsel for the petitioners submitted that there was a project through which they permitted 68 flats and no such defects were found in other flats. He also submitted that the petitioners are innocent persons and a false case has been foisted against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the investigation is still pending and he raised formal objections.

5. On a perusal of the records, it reveals that the de-facto complainant purchased one of the house flats from the petitioners promoters. They have 68 flats in the apartment, except this complaint no other complaint was received from the police or others. Furthermore, the allegation is also a Civil in nature .

6. On considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Chengalpet, on condition that 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate 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 on every Monday at 10.30 a.m., until further orders.

[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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
08/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
CHENGALPATTU,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges SR.NO.12500

CRL OP.17944/2021

Date :08/11/2021

JPA 12/11/2021