



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18081 of 2021

P.GOPINATH

[PETITIONER / ACCUSED]

Vs

THE STATE OF TAMILNADU THROUGH
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY.
CR. NO. 3/2021.

[RESPONDENT]

For Petitioner : M/S.DEEPAN UDAY Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 420, 465, 468, 506(1), 120(B) of I.P.C. in Cr.No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the the defacto complainant is an retired Assistant Director, Horticulture Department. A1 is known person to the defacto complainant. In the year 2018, A1, insisted the defacto complainant to purchase the land in in S.No.532/3 to an extent of 6.89 acres of Attur Village, Melakarur, Karur District and then A1 introduced A3, who is an Advocate in Karur and both A1 and A3 showed the said land to the defacto complainant and explained about the ownership of the property. Further, A1 and A3 told that the said property belongs to one Nalliyammal and Angaiyarkanni and they entered into an agreement of sale with A5, since the said Nalliyammal and Angaiyarkanni have not completed their promise, A5 filed Civil Suit for Specific Performance vide OS.No.100/2011 before the Karur Court and obtained Judgment dated 01.08.2012. Therefore, A5 sold the property to an extent of 50 cents each to A6 and A7. Believing the words of A1 and A3, on 02.11.2018, the defacto complainant entered into an agreement of sale with A4, A5, A6 and A7, who are alleged to be the owners of the property, to purchase the said property for



Rs.6,40,00,000/- and on several dates, the above said persons have totally received a sum of Rs.50,00,000/- from the defacto complainant. Further, A3 has received a sum of Rs.30,00,000/- from the defacto complainant as commission. Therefore, A5 to A7 impersonated themselves as landowners of the land belonging to the defacto complainant and obtained Rs.50,00,000/- along with A4 from the defacto complainant. While so, the defacto complainant came to know that the accused persons cheated the complainant and when the complainant questioned the same and also demanded to repay the money, they abused him with filthy language and threatened him. Hence, the complaint. The petitioner is arrayed as A6.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the co-accused have already been enlarged on bail.

4.Heard the submissions made by the learned Government Advocate.

5.Considering the facts and circumstances of the case and the fact that the dispute is appears to be civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate V, Salem City, on 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter 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/-

29/09/2021

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 JUDICIAL MAGISTRATE V,
SALEM CITY.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
SALEM CITY.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges SR.NO.10780

CRL OP.18081/2021

Date :29/09/2021

INBA-05/10/2021