



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18239 of 2021

1 DHARMI CHAND
2 AJAY
3 DEEPAK

[PETITIONERS / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

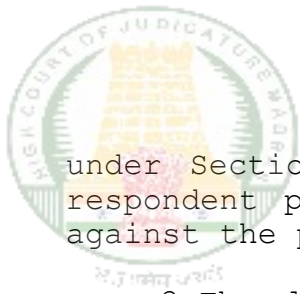
For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

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 alleged offence under Section 420 & 506(i) of IPC, 1860 in Crime No.508 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the original owner Rani unnisha 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 respondent police, thereby, the respondent police registered a case against the petitioners and other accused person.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they are innocent persons. Co-accused persons have already been enlarged on bail by this Court. The learned counsel further submitted that there was civil suit pending between the parties and the same was decreed. Aggrieved over the judgment and decree, the defendant/defacto complainant filed an appeal before this Court. Thereafter, she entered into an agreement with these petitioners. In the meanwhile, the defacto complainant filed an appeal in AS.No.768 of 2011 before this Court and the same was dismissed for non prosecution. Therefore, a false case has been foisted against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate submitted that investigation is pending. Hence, he opposed to grant anticipatory 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 on certain conditions.

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 Court, Arcot on condition that the petitioners shall execute 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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



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

(f) 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;

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

-sd/-

30/09/2021

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 DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.10830

CRL OP.18239/2021

Date :30/09/2021

RW 07/10/2021