



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21258 of 2021

1. Munisamy
2. Saminathan
3. Kala
4. Pushpa
5. Usha Rani
6. Chinnammal

... Petitioners

Versus

The Inspector of Police
District Crime Branch,
Vellore, Vellore District.
(Crime No.3 of 2021)

...Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on Anticipatory bail in the event of arrest by the respondent police in Crime No.3 of 2021 on the file of respondent police.

For Petitioners : Mr.M.R.Thangavel

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 120(B), 420, 465, 466, 468, 471 & 506(1) of Indian Penal Code in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners had cheated the defacto complainant in selling the property and attacked the defacto complainant while questioning the same and abused him in filthy languages in which he sustained with injuries. Thereby, the defacto complainant lodged a complaint against the petitioners. Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that by suppressing the real extent of the property with malafide intention and there is a shortage of that extent when he measure the property recently. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, in the year 2000 as the legal heirs of the deceased Annamalai viz., petitioners has given power of attorney in favour of A2, A2 has developed the property into house plots and one such plot was purchased by the defacto complainant through A1, who said to act as broker. Now as per the allegations of the FIR when the defacto complainant attempted to measure the property he came to know about the shortage of the extent and what was purchased by him through the sale deed, which Civil nature, and purchase it is in the year of 2000, this Court is inclined to grant anticipatory bail to the petitioner with 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 Judicial Magistrate No.I, Vellore, Vellore District*, on condition that the petitioners 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 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 3, 4, 5, 6 shall appear before the respondent police every Wednesday at 10.30 a.m until further orders; and the petitioners 1 and 2 shall appear 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 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]*; and;



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

WEB COPY

-sd/-
18/11/2021

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-I,
VELLORE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VELLORE, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.R.THANGAVEL Advocate on payment of necessary
charges SR.NO.12990

CRL OP.21258/2021

Date :18/11/2021

CSK 22/11/2021