



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.Nos.23929 and 23933 of 2021

M.Pandian ... Petitioner in Crl.OP.No.23929/2021

S.Anbuchezhian ... Petitioner in Crl.OP.No.23933/2021

Vs.

State by

The Inspector of Police

S4, Nandambakkam Police Station (Crime),

Chennai - 600 089.

Crime No.233 of 2021

... Respondent in both the petitions

COMMON PRAYER: Criminal Original petitions has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.233 of 2021 on the file of the Respondent Police.

For Petitioner	: Mr.R.C.Paul Kanagaraj (in Crl.O.P.No.23929 of 2021)
	: Mr.F.Arif Nawaz (in Crl.O.P.No.23933 of 2021)
For Respondent	: Mr.A.Gokulakrishnan Additional Public Prosecutor (in both petition s)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.233 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant has given Rs.92,00,000/- (Rupees Ninety Two lakhs only) to the petitioner as advance payment for purchasing of the property. Thereafter, the defacto complainant neither registered the property nor refund the money. Hence, the complaint.



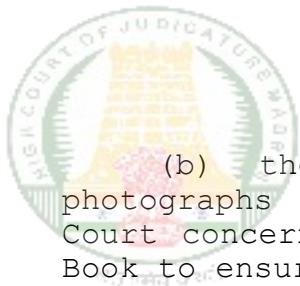
3. The learned counsel for the petitioners submit that the petitioners has refunded a sum of Rs.31,00,000/- as part payment to the defacto complainant. He further submits that the entire dispute has been resolved vide MOU dated 01.08.2020 and now with ultra motive intention in order to extract money from the petitioner, the defacto complainant has influenced the respondent to register the present FIR. He further submits 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 to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the defacto complainant has given a sum of Rs.92,00,000/- to the petitioners for the purchase of property and thereafter the petitioners have refunded a sum of Rs.31,00,000/- as part payment to the defacto complainant. He further submits that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioners 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, Alandur, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 (in CrI.OP.No.23929 of 2021) shall deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of Cr.No.233 of 2021 and the petitioner (in CrI.OP.No.23933 of 2021) shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Cr.No.233 of 2021 before the learned Judicial Magistrate, Alandur, Chennai, within a period of three weeks from the date of receipt of copy of this order.



(b) 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;

WEB COPY (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 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;

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

-sd/-

09/12/2021

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,
ALANDUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,
S4, NANDAMBAKKAM POLICE STATION (CRIME),
CHENNAI 600089



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR.NOs.14461 & 14443

+2 CC to M/S F.Arif Nawaz Advocate on payment of necessary
charges SR.NOs.14462 & 14444

Crl.O.P.Nos.23929 and 23933 of 2021

Date :09/12/2021

RVR 16/12/2021