



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.01.2022

CORAM:

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

CrI.O.P.No.1418 of 2022

1.P.T.Vinayagam
2.K.A.Srinivasan

.. Petitioners

Vs.

The State Rep.by
The Inspector of Police,
District Crime Branch,
Thiruvallur District.
Crime No.72 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest or his appearance before any Court in connection with the case in Crime No.72 of 2021 which is pending on the file of the respondent Police .

For Petitioner : Mr.S.C.Viswanth

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

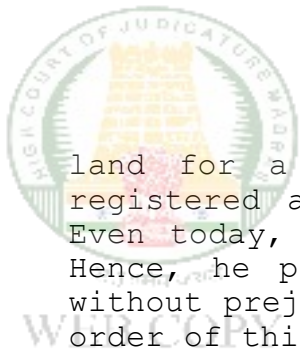
Mr.Senthilnathan
for Intervenor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 420 of IPC in Crime No.72 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners had sold a part of land to the defacto complainant in the year 2014 and after registration of sale deed, the petitioners agreed to repay a sum of Rs.3,00,000/- to the defacto complainant and having not done so, the defacto complainant had filed the present complaint before the respondent police. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further states that, they had sold the



land for a valid consideration and the said deed was also duly registered and there is no alleged incident of repaying the money. Even today, the defacto complainant is the owner for the said land. Hence, he prays for grant of anticipatory bail to the petitioners without prejudice to his right and ready to deposit the amount as per order of this Court.

4. The learned counsel appearing for the Intervenor submits that the first petitioner is the broker and he was paid more than Rs.2,00,000/- for sale consideration.

5. The learned Additional Public Prosecutor submitted that the petitioners had cheated the defacto complainant. He further submitted that the investigation is at initial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a). Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate Thiruttani, 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 first petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees Thirty Lakhs only) to the Crime No.72 of 2021 on the file of the learned Judicial Magistrate Thiruttani, within a period of fifteen (15) days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below and the defacto complainant/bank is permitted to withdraw the said amount an undertaking affidavit;

[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;

[c] the petitioners shall report before the respondent police every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;



[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 has been imposed and the petitioners are 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/-

27/01/2022

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,
THIRUTTANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S S.C.VISHWANTH Advocate on payment of necessary
charges Sr.1346

CRL OP.1418/2022

Date :27/01/2022

RVR 04/02/2022