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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

CrI.O.P.No.2245 of 2022

Sundarsan

.. Petitioner

Vs.

State represented by
The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai District.
Crime No.24 of 2022

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.24 of 2022 on the file of the respondent police.

For Petitioner : M/s. Premakumari

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

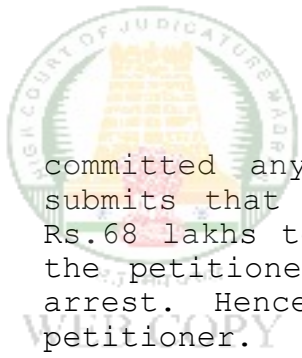
ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 of IPC, in Crime Number 24 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a land broker. It is alleged that the defacto complainant and her husband remitted Rs. 43 lakhs in the petitioner's account during the year 2017 for the purpose of purchasing a land. Thereafter, the petitioner returned only Rs.9,46,000/- and the balance amount has not been repaid by the petitioner. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not



committed any offence as alleged by the prosecution. He further submits that the petitioner had already repaid the total amount of Rs.68 lakhs to the defacto complainant and he further submitted that the petitioner is a heart patient and also suffering from cardiac arrest. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that there was a monetary transaction dispute between the petitioner and the defacto complainant from the year 2017 onwards. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the petitioner is suffering from heart ailments and to that effect medical reports also affixed, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate, Court XVII, Saidapet, Chennai District 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 appear before the respondent police on every Tuesday and Saturday at 10.30.am., until further orders.

[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 has been imposed and the petitioner is 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;

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-sd/-
02/02/2022

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 METROPOLITAN MAGISTRATE XVII,
SAIDAPET, CHENNAI DISTRICT.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMOE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
R3 ASHOK NAGAR POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.PREMAKUMARI Advocate on payment of necessary charges SR.No.1834

CRL OP.2245/2022

Date :02/02/2022

CSK 11/02/2022