



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.2826 of 2022

1 BOJJA VENKATA SUBRAHMANYAM
2 KUMARA CHAITANYA

[PETITIONERS/ ACCUSED]

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
THIRUVALLUR.
(CRIME NO.83 OF 2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S GIRIDHAR AND SAI Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Perused the anticipatory bail petition and heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side).

2. The petitioners herein seek anticipatory bail since they are in apprehension of arrest for the alleged offences punishable under Sections 406, 417, 420 & 506(1) of IPC in Crime No.83 of 2021, on the file of the respondent police, on the complaint given by one Pourouchothamane S/o Vengadabathi alleging that the 1st petitioner who offered to sell his land for a sum of Rs.1,90,00,000/- received an advance of Rs.1,10,00,000/-, instead of honoring to execute a sale deed, received the balance amount and settled the property in favour of his son /2nd accused and the 2nd petitioner herein threatened the defacto complainant when he asked for enforcement of the contract.

3. The learned counsel appearing for the petitioners referring the alleged agreement for sale would submit that the defacto complainant who is an advocate and financier had obtained the signature of the 1st petitioner in the blank papers when he had



sought him for hand loan and misused the same for creating the said alleged agreement of sale dated 10.08.2021.

4. This Court, on the face of the complaint and documents is of the view that it is a Civil transaction and an attempt is made to give a criminal colour over it. If at all the defacto complainant is aggrieved by non performance of the contract by the 1st accused, it is always open to him to recover the same before the appropriate forum.

5. Therefore, for the said reasons or for any other alleged offence in the complaint, the detention of the petitioners herein are not required and mere cooperation of the petitioners for enquiry is sufficient. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate Court-I, Thiruvallur on condition that the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix his 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 shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the Investigating Officer as and when required and shall co-operate for investigation.

(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 has 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/-

02/03/2022

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-I,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
THIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S GIRIDHAR AND SAI Advocate on payment of necessary
charges SR.No.3667/DATED:10/03/2022

CRL OP.2826/2022

Date :02/03/2022

CSK 07/03/2022