



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.3183 of 2022

GOVADA VIMAL PRABHU CHAITANYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY.

[RESPONDENT]

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH - I
CHENNAI CITY.

(CRIME NO. 33 OF 2019)

For Petitioner : M/S.R.JOHN SATHYAN Advocate

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

For Intervenor : MR.A.BHAVAN SUDHAN, Advocate

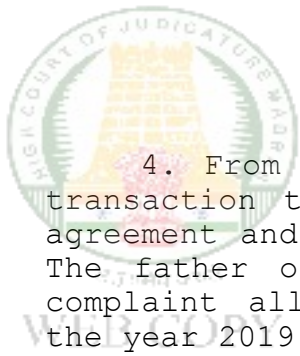
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 506(i) of IPC in Crime No.33 of 2019, on the file of the respondent police, seek anticipatory bail.

2. Heard, the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and the counsel for the intervenor/defacto complainant.

3. It is the case of transaction related to a immovable property, wherein, it is alleged that the petitioner herein misrepresenting himself as the owner, has received advanced from the father of the defacto complainant and put him in possession of the property. But, later came to know that the petitioner is not the owner of the property. Hence, the complaint.



4. From a reading of the complaint, it is clear that the said transaction took place between the year 2012 and 2016. The alleged agreement and payment of money entered as early as in the year 2014. The father of the defacto complainant died in 2016, whereas, the complaint alleging misrepresentation, cheating, etc., made only in the year 2019.

5. Considering the averments as found in the complaint, this Court is of the view that it is civil transaction which leads to filing of the complaint after six years of the transaction and after the person who has parted the money and taken possession. After three years, he took the possession of the property. In any event, it is not the case for custodial interrogation since the petitioner herein substantially admits the transaction and also willing to sort out the issue amicably and he only apprehends the unnecessary arrest by the respondent police based on the complaint given by the defacto complainant.

6. In view of the documents relied by the respective counsel and the nature of the allegation made, this Court is of the view that the custodial interrogation of the petitioner is not required and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned II Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakhs only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioner shall report before the Investigation Officer daily at 10.30., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have 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

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

-sd/-

15/03/2022

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 II METROPOLITAN MAGISTRATE
EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH - I
CHENNAI CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges

CRL OP.3183/2022

Date :15/03/2022

CSK 23/03/2022