



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4423 of 2022

VENUGOPAL

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE
MANIMANGALAM POLICE STATION,
KANCHIPURAM DISTRICT.
(CRIME NO.876/2021)

For Petitioner : M/S.T.R.KATHIRVANAN, 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 :-

The petitioner, who apprehends arrest for the alleged offences under sections **341, 294(b), 323, 420, 506(ii) IPC r/w. Sec.4 of the Women Harassment Act** in Crime No.876 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with his brothers jointly sold their joint family property in the year of 2014 and received a sum of Rs.40,73,600/- by way of cheques. Whiles, the defacto complainant's husband/A3 received the share amount for a sum of Rs.10,00,000/- and the remaining amount was misappropriated. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he is ready to abide any conditions as imposed by this Court. Accordingly, he pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is pending. However, he narrated the case of the prosecution that, for the petition mentioned property, which was sold is the family property of the petitioner and his two brothers. In the year of 2018, all the 3 persons sold the said property and received a sum of Rs.40,73,600/- by way of cheque. After receiving the same, the wife of the 3rd Accused lodged the present complaint before the respondent police stating that one of the accused misappropriated the said amount.

5. Considered the submissions made by the learned Counsel appearing on either sides.

6. The respondent police registered the case as against the petitioner for the offences punishable under sections **341, 294(b), 323, 420, 506(ii) IPC r/w. Sec.4 of the Women Harassment Act.** The story narrated by the prosecutor, clearly reveals the fact that the defacto complainant without having any right over the property, questioned the same which lead to her being abused and assaulted by the petitioner and other accused. As of now, the evidences to be collected for the investigation are all available in the form of written documents, therefore custodial interrogation may not be necessary for completing the investigation.

7. Taking note of all the above said aspects into consideration and the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned **Judicial Magistrate-II, Tambaram** on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;



(c) the petitioner shall report before the respondent police on every Monday and Wednesday at 10.00 a.m. until further orders.

(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 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.

-sd/-

23/02/2022

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 JUDICIAL MAGISTRATE,
NO.II, TAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MANIMANGALAM POLICE STATION,
KANCHIPURAM DISTRICT.

+1 CC to M/S.T.R.RAVI Advocate on payment of necessary charges
SR.NO.2926

CRL OP.4423/2022

Date :23/02/2022

TA-28/02/2022