



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.5051 of 2022

1 V.NADIAMMAL
2 G.VASU

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE (CRIME),
KOYAMBEDU POLICE STATION,
CHENNAI CITY.
CRIME NO.117 OF 2020

[RESPONDENT]

For Petitioner : M/S. N.MANOCHARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences punishable under Sections 406 and 420 of IPC in Crime No.117 of 2020, on the file of the respondent police, seek anticipatory bail. .

2. From the perusal of the First Information Report, it appears that the defacto complainant had entered into a sale agreement with the 1st petitioner to sell a land for sum of Rs. 24,00,000/- and paid an advance amount of Rs.10,00,000/-. When the defacto complainant insisted for performance of the contract, the petitioners herein refused to execute and tried to cheat the defacto complainant the money advanced and it is a civil transaction given a colour of criminal intention of cheating. At inception, in any event, judicial custody of the petitioners are not required in this case and therefore bail may be granted in the event of arrest on the following conditions.



3. 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 V Metropolitan Magistrate, Egmore on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand 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.

-sd/-

03/03/2022

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.



1 THE METROPOLITAN MAGISTRATE,
NO.V, EGMORE CHENNAI.

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

3 THE INSPECTOR OF POLICE (CRIME),
KOYAMBEDU POLICE STATION,
CHENNAI CITY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. N.MANOCHARAN Advocate on payment of necessary
charges SR.NO. 3315

CRL OP.5051/2022

Date :03/03/2022

RW 07/03/2022