



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7717 of 2022

1 MARIA LAWRENCE [PETITIONERS / ACCUSED]
2 M.SAGAYA LENIN BOBIN
3 M.SAGAYA ALWIN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI.
(CRIME NO.38/2022)

For Petitioner : M/S.V.SUBRAMANIAN Advocate

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

For Intervener : M/S.S.ANANDA KUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 & 506(1) of IPC in Crime No.38 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The petitioners herein apprehend arrest on a complaint given by Anthony Wellington alleging that Rs.51,00,000/- received as advance by the petitioners to sell the property has been cheated and inspite of repeated demand, the petitioners have returned only Rs.15,00,000/- and balance yet to be paid.

3.Learned counsel appearing for the petitioners submitted that in the year 2016, petitioners 2 and 3 received money from the defacto complainant as loan and the same was repaid by cash. There is no



agreement for selling the property of the first petitioner. However, to grab the property, the complaint has been given belatedly and there is no explanation for not proceeding against the petitioners for enforcing the alleged oral agreement of sale of the property.

4. Considering the nature of the allegation, this Court is of the view that the entire allegation is only based on the oral agreement of sale which requires investigation and not to arrest the petitioners. Therefore, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on anticipatory 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, Saidapet**, on condition that each of the petitioners shall execute a bond for a sum of **Rs.1,00,000/- (Rupees one lakh 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 petitioners 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 petitioners shall report before the Investigation Officer daily at 10.00 a.m., until further order and also the petitioners shall co-operate with the investigation;**

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(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 have 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/-

04/04/2022

WEB COPY

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,
SAIDAPET.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-1, MAMBALAM POLICE STATION,
CHENNAI.

+1 CC to M/S.V.SUBRAMANIAN Advocate on payment of necessary
charges SR.NO.5098

CRL OP.7717/2022

Date :04/04/2022

TA-08/04/2022