



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11010 of 2022

AND CRL.MP.NO.6768 of 2022

1 DIDDI GOPALA KRISHNA
2 DIDDI SWAPNA

[PETITIONERS]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
J-5, SHASTRI NAGAR POLICE STATION,
SHASTRI NAGAR,
CHENNAI.
(CRIME NO.96/2022)

[RESPONDENT]

MADHINE NAGA BABU

[PETITIONER/INTERVENER/
DE-FACTO COMPLAINANT]

**(*) (ORDERED AS PER ORDER OF THIS COURT DATED 19.05.2022 MADE IN
CRL.MP.NO.6768 OF 2022 IN CRL.O.P.No.11010 OF 2022)**

For Petitioner : M/S M.VELMURUGAN Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

For Intervener : M/S.G.MOHANAKRISHNAN, 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 offences punishable under Sections 406 and 420 IPC in Crime No.96 of 2022, on the file of the respondent Police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners and the de-facto complainant are relatives. The de-facto complainant is a resident of Chennai. The petitioners are the residents of Vishakapattinam and the de-facto complainant used to stay in the petitioners' residence while visiting Vishakapattinam. The de-facto complainant alleged that the petitioners have received money from him and had promised to purchase house sites at Vishakapattinam and later to sell the same and make profits. The de-facto complainant has alleged that a sum of Rs.35,00,000/- has been transferred to the petitioners on various dates during the period between 2014 - 2015. Presently, the de-facto complainant filed the complaint on 19.09.2021 and further, as per the direction of the IX Metropolitan Magistrate Court, Saidapet in CrI.M.P.No.10 of 2022, the FIR has been registered against the petitioners in Crime No.96 of 2022 on 23.04.2022 and further allegation is that the petitioners have deceived him without purchasing any lands in his name as promised by the petitioners.

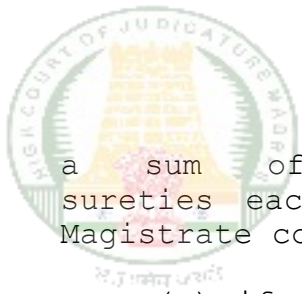
3. Even according to the case of the prosecution, the de-facto complainant approached the petitioners in the year 2014 and gave a sum of Rs.35,00,000/- to invest in business. Thereafter, the petitioners failed to invest the same in the business and never shared the same to the petitioners. That apart, the petitioners purchased the property in their names with the money given by the de-facto complainant. Even according to the petitioners, the entire occurrence has taken place in the year 2014 to 2015, whereas, the present complaint has been lodged only in the year 2022.

4. The learned counsel for the petitioners submitted that the petitioners possessed their land, when the petitioners demanded to repay the said amount on execution of a pro-note, the de-facto complainant foisted a false complaint as against these petitioners. Therefore, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor submitted that the investigation is still pending and vehemently opposed for grant of anticipatory bail to the petitioners.

7. Considering the facts and circumstances of the case and as custodial interrogation of the petitioners is not required in this case, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 IX Metropolitan Magistrate Court, Saidapet on condition that each of the petitioners shall execute a bond for



a sum of Rs.10,000/- (Rupees Ten Thousand 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 petitioners failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and their 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 1st petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation and the 2nd petitioner shall report before the respondent Police as and when required for interrogation;

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-
19/05/2022

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.



**[*]CORRECTED COPY TO BE SUBSTITUTED FOR THE ORDER ALREADY DESPATCHED
ON 26.05.2022**

WEB COPY

1 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
J-5, SHASTRI NAGAR POLICE STATION,
SHASTRI NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.VELMURUGAN Advocate on payment of necessary
charges SR.NO. 7357

+1 CC to M/S.G.MOHANAKRISHNAN Advocate on payment of necessary
charges SR.NO. 7419

CRL OP.11010/2022

&
CRL MP.6768/2022

Date :19/05/2022

RW-24/05/2022

RW-27/05/2022