



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION Nos.11932 & 12206 of 2022

M.PARTHIBAN

[PETITIONER / ACCUSED
IN CRL.O.P.NO.11932/2022]

1 D.MAHAPULLASA
2 S.LEELAVATHI
3 D.SANKAR

[PETITIONER / ACCUSED
IN CRL.O.P.NO.12206/2022]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
CHENNAI CCB,
CCB-I, CHENNAI DISTRICT,
CHENNAI.
(CRIME NO.281 OF 2020)

[RESPONDENT IN BOTH THE PETITIONS]

For Petitioner : M/S.A.ANILAN Advocate [IN BOTH THE PETITIONS]

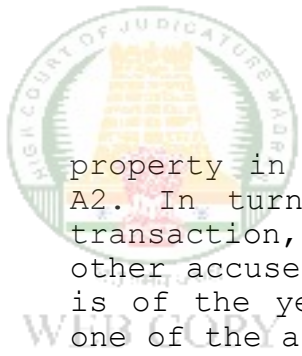
For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,
[IN BOTH THE PETITIONS]

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 420, 465, 467, 468, 471, 34 and 109 of IPC in Crime No.281 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the property comprised in Survey No.83/1C1 situated at Plot No.40, Mathoor Village, within the boundaries of Chengalpattu District, Saidapet Taluk, Puhall Panchayat Union is owned by the first accused. From the first accused, the defacto complainant purchased the said property by the registered Sale Deed dated 25.06.1984, registered vide Document No.1860/1984. Again the first accused suppressed the said sale and settled the same



property in the year 2015 in favour of his wife, who is arrayed as A2. In turn A2 sold out the property in favour of A3. For this transaction, the petitioners who arrayed as A4 to A7, helped the other accused persons to sell the property in favour of A3. The crime is of the year 2020. Even today the respondent failed to secure any one of the accused persons.

3. According to the prosecution, the petitioners have received commission from the other accused persons to sell the property in favour of A3.

4. Mr.A.Damodaran, learned Additional Public Prosecutor submitted that A4 to A6 received a sum of Rs.4,00,000/- each as commission, while selling the property in favour of A3. In so far as the A7 is concerned, he received a sum of Rs.2,50,000/-, while selling the property in favour of A3.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner in CrI.O.P.No.11932 of 2022 and the first and second petitioners in CrI.O.P.No.12206 of 2022 shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) each and the third petitioner in CrI.O.P.No.12206 of 2022 shall deposit a sum of Rs.2,50,000/- to the credit of Crime No.281 of 2020, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Metropolitan Magistrate, CCB, Egmore on condition that the petitioners, each 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner in CrI.O.P.No.11932 of 2022 and the first and second petitioners in CrI.O.P.No.12206 of 2022 shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) each, and the third petitioner in CrI.O.P.No.12206 of 2022 shall deposit a sum of Rs.2,50,000/- to the credit of Crime No.281 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.



[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

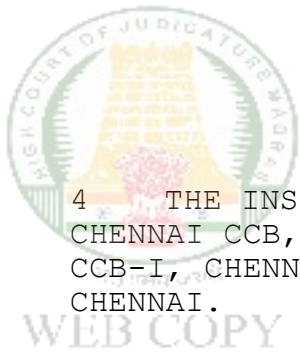
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
CCB, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
CHENNAI CCB,
CCB-I, CHENNAI DISTRICT,
CHENNAI.

+2 CC to M/S.A.ANILAN Advocate on payment of necessary charges
SR.NO.7712, 7713

CRL OP.11932 & 12206/2022

Date :20/05/2022

TA-25/05/2022