



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12406 of 2022

1 RAVI [PETITIONERS/ ACCUSED]
2 SATHIYA NARAYANAN

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
VALASARVAKKAM,
CHENNAI.
(CR.NO.51 OF 2022)

For Petitioner : M/S.R.C.PAUL KANAGARAJ Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 452, 352 & 420 of IPC in Crime No.51 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the, on 16.12.2021, at about 1.00 p.m., petitioners herein/A1 & A2 and Kesavan/A3 along with two others came to the office of the de facto complainant Viz., M.K.B. Enterprises at No.8A, Arcot Road, Alvarthiru nagar, Valasaravakkam to peruse the original documents in Doc.Nos.296/1972, 646/1961, stamp paper Nos.461, 462/1961, 463, 464/1961, 465, 466/1961 (totally five documents). Suddenly, A2 took the documents and ran away. When the de facto complainant attempted to capture him, he was prevented and pushed down by the other two persons, who also ran away from the scene of occurrence. Hence, the complaint.

3. Totally there are three accused in this case and the petitioners herein are arrayed as A1 & A2. Even according to the case of the prosecution, the land belongs to some other person and the de facto complainant is the mediator who had taken steps to sell



the said land. In pursuance to the same, the petitioners who are real estate brokers approached the de facto complainant to purchase the said property. However, according to the petitioner, they had entered into a negotiation with the original owner of the property and no such incident was took place as alleged by the prosecution. That apart, the occurrence took place on 16.12.2021, whereas the complaint was lodged only on 18.12.2021.

4. Considering the above facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioners would not be required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - I, Ponnamalee, on condition that the petitioners shall execute a separate 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 petitioners 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.

[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].



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

WEB COPY

-sd/-

06/06/2022

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-I,
PONNAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VALASARVAKKAM,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.C.PAUL KANAGARAJ Advocate on payment of necessary charges SR.No.8549

CRL OP.12406/2022

Date :06/06/2022

CSK 09/06/2022