



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12636 of 2022

1 K.G.JANAKIRAMAN
2 J MUTHULAKSHMI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH - I,
CHENNAI
CRIME NO.40 OF 2022

[RESPONDENT]

For Petitioners : M/S.K.PRABAKAR Advocate

For Respondent : MR.V.MEGHANATHAN, 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 offence under sections 420 r/w 34 of IPC, in Crime No.40 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners constructed unauthorised apartment and sold one of the Flat to the de-facto complainant. Hence, the complaint.

3. It is the contention of the petitioners that they are husband and wife and they are Directors of a construction Company viz., M/s.Jayaswathi Constructions. They had put up an apartment in Villivakam and the de-facto complainant purchased Flat S-3 in the second floor of the building in the year 2012. Now, the de-facto complainant made a complaint stating that the said flat is constructed without approval.



4. The learned counsel for the petitioners submitted that the said apartment was constructed in the year 2012 only after getting proper approval. All these years the de-facto complainant is enjoying the property on due payment of property tax to the Chennai Corporation.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the de-facto complainant purchased the Flat in the year 2012 and now she found that the Flat purchased by her was constructed without getting approval.

6. Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

7. Considering the fact that the de-facto complainant purchased the Flat in the year 2012 and she has been in possession and enjoyment of the property all these years without any hindrance, this Court is inclined to grant anticipatory bail to the petitioners subject to imposing following conditions.

8. 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 Metropolitan Magistrate Court for the exclusive trial of CCB and CBCID Cases, Egmore, Chennai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which the petitions for anticipatory bail shall be 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 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 respondent police 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/05/2022

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,
COURT FOR THE EXCLUSIVE TRIAL OF CCB AND
CBCID CASES, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH - I,
CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.PRABAKAR Advocate on payment of necessary charges
SR.NO.8189

CRL OP.12636/2022

Date :27/05/2022

JPA 31/05/2022