



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13688 of 2022

R.VIGNESHWARAN

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
D4, ZAM BAZAR POLICE STATION,
NO.222, BHARATHISALAI,
PADUPAKKAM, ROYAPETTAH,
CHENNAI 14.
CRIME NO.54 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.MADHU PRAKASH 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 petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 & 420 of IPC in Crime No.54 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant mortgaged his property with one Babi by deposit of title deeds. Thereafter, the de-facto complainant could not relieve the property, as such approached the petitioner herein for selling the said property. The petitioner paid part of the amount to redeem the mortgage and executed sale deed in his favour. However, the remaining sale consideration have not been paid by the petitioner to the de-facto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner had purchased the property from the de-facto complainant on 30.12.2013 registered by Doc.No.1564 of 2013 and the



petitioner is in possession and enjoyment of the property. He further submitted that even before the purchase, the entire sale consideration was duly settled by the petitioner.

4. Further, it is also seen that the petitioner had availed a loan against the said property by pledging the subject property with M/s.Shriram, City Union Finance Ltd and thereafter the petitioner is continuously paying his dues without fail. After a period of 10 years, the de-facto complainant lodged a complaint alleging that part of the sale consideration was not paid to her.

5. Considering the above facts and circumstances, this Court is of the view that custodial interrogation of the petitioner does not required in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the XIII Judicial Magistrate Court, Egmore, on condition that the petitioner 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 petitioner 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
20/06/2022

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,
NO.XIII, EGMORE

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

3 THE INSPECTOR OF POLICE
D4, ZAM BAZAR POLICE STATION,
NO.222, BHARATHISALAI, PADUPAKKAM,
ROYAPETTAH, CHENNAI 14.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MADHU PRAKASH Advocate on payment of necessary charges

CRL OP.13688/2022

Date :20/06/2022

JPA 24/06/2022