



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14012 of 2022

RAMESH

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
CCB-1, TEAM-II, EDF-I,
CHENNAI DISTRICT.
(CRIME NO.242 OF 2021)

[RESPONDENT]

For Petitioner : M/S.C.PRABAKARAN Advocate

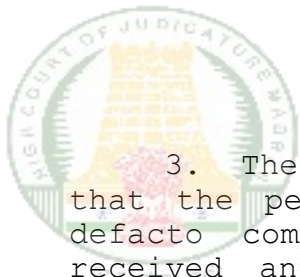
For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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 alleged offences punishable under Section 406, 420 and 34 of IPC in Crime No.242 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that defacto complainant have lodged a complaint against the A1 to A3 for the alleged offence under Section 406, 420 and 34 of IPC that the said A1 to A3 have approached the defacto complainant for selling the land to an extent of 1600 Sq.ft. comprised in Survey No.203/2, and 106/B, situated at Rajas Garden House property, Vanagaram Village. Poonamalli Taluk. Upon the representation made by them, the defacto complainant agreed to purchase the land for sixty lakhs. Subsequently, the defacto complainant went to the plot and took steps for construction. While that been so, one Dr. Sundarakrishnan came to the land and informed that he is the owner of the property and produced all the documents. In such a manner they have cheated the defacto complainant. Hence, this complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is only a mediator between A1 to A3 and the defacto complainant, and he has not created any documents and received any money from the defacto complainant. Further he is neither a witness nor a vendor of the property and he is no way connected with the subject sale transaction. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused persons have fabricated the forged documents and sold the property to the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the A4 to A6 are the original owners of the property and they have sold the property in favour of the defacto complainant stating that it is a patta land and approved by MMDA. Later it was found that the said land was not granted patta and not approved by MMDA. The said A1 to A3 are only developers and some of the accused were arrested and released on bail. Admittedly, there is a valid sale deed executed by the petitioner and others.

6. Considering the facts and circumstances of the case and also taking note of the fact that custodial interrogation of the petitioner is not required. Therefore, this Court is inclined to grant Anticipatory Bail to the petitioner. 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 Special Court CCB and CB CID, 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 morning 10.30 a.m. for a period of three 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/-

17/06/2022

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 SPECIAL COURT
CCB AND CBCID, EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CCB-1, TEAM-II, EDF-I,
CHENNAI DISTRICT.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.NO.9763

CRL OP.14012/2022

Date :17/06/2022

TA-23/06/2022