



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15259 of 2022

K.BALAJI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVALUR DISTRICT,
TIRUVALLUR
CRIME NO.21 OF 2020.

[RESPONDENT]

For Petitioner : M/S.G.JEREMIAH Advocate

For Respondent : M/S.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 offence punishable under Sections 417, 420, 406, 294(b), and 506(ii) IPC in Crime No.21 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Beemaroo approached the petitioner and A2 who appears to be the real estate agents for purchasing the property situated at Tirupathi, belongs to one Jeevajothi, for a sale consideration of Rs.74 lakhs, accordingly on 07.08.2017 paid an advance amount of Rs.2 lakh to Jeevajothi. Thereafter on 01.09.2017 by way of demand draft, paid a sum of Rs.13 lakhs and further, paid a sum of Rs.8 lakhs by way of cash to said Jeevajothi. The said Jeevajothi upon receipt, a sum of Rs.23 lakhs out of Rs.74 lakhs appears to have executed and registered the sale deed in favour of the defacto complainant on



03.03.2018 and the sale was concluded. On 06.06.2018 and 07.06.2018, the defacto complainant transferred a sum of Rs.5 lakhs and Rs.4 lakhs by way of cheque through his bank account to the account of A2. Thus in all sum of Rs.26.75 lakhs was paid to A2 out of balance sale consideration of Rs.51 lakhs and further claims that balance amount of Rs.24.50 lakhs (instead of 24.25 lakhs) was paid to the petitioner by way of cash. Further, the petitioner and A2 have failed to pay the sale consideration received from him and cheated him. Hence this complaint.

3. The learned counsel for the petitioner submitted that the transaction was already ended in registration of sale deed therefore, no criminality is involved in this case. He further submitted that 2nd accused already arrested and released on bail and it is the second bail petition of the petitioner. Further the petitioner is no way connected with the said offence and he has been falsely implicated in this case. Therefore, the petitioner has again filed the present petition seeking for anticipatory bail.

4. The learned Additional Public Prosecutor submitted that totally two accused in this case, both A1 and A2 are real estate brokers and they have received huge sum of money from the defacto complainant and involved in cheating and there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the sale deed was executed in the year 2018 and as far as the petitioner is concerned, he along with another accused had approached the purchaser in order to sell the property and after receipt of the sale consideration, they executed a sale deed. The purchaser lodged a complaint that the sale consideration was not conveyed to the vendor.

6. Therefore, Considering the above facts and circumstances of the case and also taking note of the fact that the crime is of the year 2020, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 learned D.M., cum J.M, Pallipet, 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 D.M. cum J.M, Pallipet, 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 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/-

04/07/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PALLIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUVALUR DISTRICT,
TIRUVALLUR.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1 CC to M/S.G.JEREMIAH Advocate on payment of necessary charges
SR.NO. 10693

CRL OP.15259/2022

Date :04/07/2022

RW-06/07/2022