



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14371 of 2022

K.PONNUSAMY @ JEEVA PONNUSAMY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.
CRIME NO.314 OF 2022

[RESPONDENT]

For Petitioner : M/S.S.ARIVAZHAGAN 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 offences punishable under Sections 294(b), 420, 120B & 506(2) of IPC and Section 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act 2003, in Crime No.314 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant borrowed the amount from the 1st accused for the tune of Rs.1,21,00,000/-. The defacto complainant himself executed a sale deed in favour of the 1st accused on promising to get DTCP approval. After getting DTCP approval the 1st accused and the petitioner sold all the house site properties and cheated them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 8 accused in which the petitioner is arrayed as A4. Even according to the case of the prosecution the defacto complainant borrowed a sum of Rs.1,21,00,000/- from the 1st accused. Thereafter, the 1st accused got the property from the defacto complainant measuring to an extent of 2 acre and 10 cents and assured that he will get DTCP approval and thereafter it will be sold out to the parties. Thereafter, he also insisted the defacto complainant to register the property in his name and accordingly, the defacto complainant transferred the property in favour of the 1st accused. The 1st accused obtained DTCP approval and sold house plots to various persons through the other accused persons. As far the petitioner is concerned, the petitioner assisted the first accused and hence, he vehemently oppose to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, the custodial interrogation of the petitioner does not require 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 learned Judicial Magistrate No I, Gobichettipalayam 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 four 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/-

23/06/2022

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,
NO.I, GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.ARIVAZHAGAN Advocate on payment of necessary charges SR.NO. 9825

CRL OP.14371/2022

Date :23/06/2022

RW-29/06/2022