



Crl.OP.No.21594 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Ransom Anselm Murray

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Crime Branch C.I.D,
Metro Wing-II,
Egmore, Chennai.

(CBCID (M) Crime No.07/2020).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.07
of 2020 on the file of the respondent Police.

For Petitioner	:	Mr.R.Prabhakaran
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl.Side)
For Intervenor	:	Mr.J.Selvaraja



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Sections 406, 420 & 506(1) of IPC, in Crime No.7 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner had approached the de-facto complainant and informed him that one Jeannette Meyers, who is an Anglo-Indian had offered to sell her property and since, she being an Anglo Indian had decided to sell the same only to Anglo-Indian, therefore, the petitioner promised that after the said Jeannette Meyers executed the sale deed in his name, he will execute the sale deed in favour of the de-facto complainant after a period of four years. Believing the same, the de-facto complainant had paid a sum of Rs.10,92,000/- by way of demand draft and a balance sum of Rs.14,08,000/- by way of cash to the petitioner. The further allegation is that the petitioner did not stand on his promise of agreement and had cheated the de-facto complainant by executing the settlement deed in favour of his wife. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and even assuming the allegations against the petitioner to be true, it can only be a case of breach of an agreement, whereas it has been projected as a case of criminal breach of trust. He would also submit that the de-facto complainant has already filed a civil suit which is also pending. He would also submit that without issuance of any summon or notice to the petitioner, to his surprise, the petitioner was arrested when he arrived at Bengaluru, pursuant to the LOC on 04.08.2022 and the passport of the petitioner was also seized by the respondent Police and it is now in the custody of the Court. The learned counsel would further submit that the investigation has been completed and the final report has also been filed on 30.08.2022. He would also submit that the entire case of prosecution is borne out of records and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is an Anglo-Indian and U.K citizen, induced the de-facto complainant stating that one Jeannette Meyers, who is the Anglo-Indian had stated that her property should be sold



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only to the Anglo-Indian and promised that he will buy it for a lesser price and would execute the sale deed to the de-facto complainant after four years and also received a sum of Rs.25,00,000/- and handed over the original title deeds. Thereafter, suppressing the fact, had obtained a non traceable certificate in respect of the Original Deeds of the said property and later, executed a settlement deed in favour of his wife in violation of the agreement and thereby, committed a criminal breach of trust. He would also submit that the passport of the petitioner is retained and it is now in the custody of the Court. He also stated that the investigation is over and the final report has also been filed and it is yet to be numbered. However, he vehemently opposed to grant bail to the petitioner.

5. Learned counsel for the Intervenor would submit that the petitioner had cheated the de-facto complainant by committing the criminal breach of trust. He would also submit that the petitioner is a U.K.citizen and that if the bail is granted, there is every possibility for the petitioner to flee away from the clutches of law, thereby he opposed for grant of bail to the petitioner.



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6. Heard the learned counsel for the both the petitioner and the Intervenor and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and finding that the petitioner is in custody from 04.08.2022 and the taking note of the fact that the investigation is completed and the final report has also been filed before the jurisdictional Court concerned and the passport is also retained by the Court, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Metropolitan Magistrate for exclusive trial of CCB cases and CBCID Metro cases, Egmore, Chennai**, and on further conditions that:

[a] 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;



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[b] the petitioner shall report before the learned Metropolitan Magistrate for exclusive trial of CCB cases and CBCID Metro cases, Egmore, Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

[g] It is made clear that in the event of petitioner filing any application before any Court seeking for return of passport, the de-facto complainant shall be put on notice.

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To

1. The Metropolitan Magistrate
(for exclusive trial of CCB cases and CBCID Metro cases),
Egmore, Chennai.
2. The Inspector of Police,
Crime Branch C.I.D,
Metro Wing-II,
Egmore, Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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