



Crl.O.P.No.24724 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 r/w 120-B IPC, in Crime No.207 of 2022, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution, as per the defacto complainant, is that the petitioners are well known to him. Based on that, he had given a sum of Rs.55,00,000/- to them and towards security, the first petitioner had deposited the original title deeds of document bearing Document No.749 of 2001 belonging to her mother. Thereafter, since the accused did not return the money, the defacto complainant lodged a complaint before the Inspector of Police, attached to Central Crime Branch and during enquiry, the accused had agreed that in the event of not paying the money, the defacto complainant is entitled to file a civil suit before the Court concerned and also deposit the cheques before the bank and in the event of dishonoured, to file appropriate complaint before the Judicial



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Magistrate concerned. While so, suppressing the same, the mother of the first petitioner had given a paper advertisement stating that the original title deeds and the parent documents which were deposited to the defacto complainant were missing. Thereafter, she had settled the property in favour of one Vishnupriya/A3 and subsequently, the property was sold to third parties to defeat the interest of the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners would submit that the case of money dispute has been exaggerated as a case of criminal breach of trust and a false complaint has been given against the petitioners. He would submit that the first petitioner had deposited the documents belonging to her mother and handed over blank cheques to the defacto complainant. However, the defacto complainant had presented the cheques for collection by filling it for Rs.72,00,000/- and also filed a private complaint under Section 138 of Negotiable Instruments Act, pending in STC No.508 of 2020 on the file of the Judicial Magistrate, Ranipet. While that being so, since the defacto complainant did not keep



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up her words, the mother of the first petitioner had settled the property in favour of one Vishnupriya and later, the property was sold to third parties. However, without prejudice, the petitioners to show their bona fides, are prepared to deposit the original title deeds of immovable property worth about 20 Lakhs to the credit of Cr.No.207 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioners.

5. Per contra, the learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioners had taken a loan of Rs.55,00,000/- from the defacto complainant, after depositing the title deeds, belonging to the mother of the first petitioner. Later, without the knowledge of the defacto complainant, they have sold the property to third parties. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

6. The learned counsel appearing for the defacto complainant/Intervenor would submit that the petitioners had induced the defacto complainant and borrowed an amount of Rs.55,00,000/- and



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towards security, the petitioners had deposited the original title deeds belonging to the mother of the first petitioner bearing Document No.749 of 2001. Subsequently, the petitioners, suppressing the deposit of the title deeds have advertised in the paper as if the original title deeds had been lost and later sold the property to third parties. She would further submit that the petitioners, knowing well that the documents are deposited to the defacto complainant had attested one of the sale deeds. Therefore, she vehemently opposed to grant anticipatory bail to the petitioners.

7. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioners are ready to deposit immovable property either belonging to the petitioners or his friends or relatives to the value of 20 Lakhs to the credit of Cr.No.207 of 2022 within a period of two



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weeks from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for CCB Cases at Metropolitan Magistrate Court, Egmore, Chennai on condition that each of the petitioners shall execute 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 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 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 petitioners shall deposit the original title deed of immovable property (either belonging to himself, friends or relatives)



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worth about Rs.20,00,000/- (Rupees Twenty Lakhs) to the credit of Crime No.207 of 2022 before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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