



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25337 of 2021

1.G.Ravi

2.M.Janakiraman

... Petitioners

Versus

The State represented by
The Assistant Commissioner of Police,
Central Crime Branch - I,
Chennai.

(Crime No.219 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.219 of 2021 on the file of the respondent police.

For Petitioners: Mr.S.Parthasarathy

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417, 420 and 34 of IPC in Crime No.219 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that one Srinivasan had lodged a complaint on 30.03.2021 with the respondent police alleging that on 27.07.2018, the first accused Krishnan had sold the property at Survey No.246/36, Plot No.166, 167 to an extent of 800 sq.ft. out of 2400 sq.ft. at Krishna Nagar, Nerkundaram Village, Maduravoyal in Patta No.12763 for a sale consideration of Rs.10,72,000/- registered as Document 3133 of 2018 suppressing the fact that one Jothi filed a suit in O.S.No.477 of 2013 before the Principal District Munsif, Poonammalle, claiming right over the property and they are absolute



owners of the property. For the said transaction, the other accused persons and the petitioners, with a common objective of cheating, sold the property as if it has a clear title of property. Hence the complaint.

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3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - I, Poonammallee, on condition that the petitioners 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 each petitioners are directed to deposit a sum of Rs.1,00,000/- Rupees Two Lakhs only to the credit of the Crime No.219 of 2021 within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] the petitioners 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.

[c] the petitioners are directed to report before the respondent police on daily at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond 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 anticipatory 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/01/2022

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, POONAMALLEE, THIRUVALLUR DISTRICT.

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

3 THE ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH-I,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.PARTHASARATHY Advocate on payment of necessary charges SR.NO.614

CRL OP.25337/2021

Date :11/01/2022

RW 28/01/2022