



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25395 of 2021

Velumani @ Velu

... Petitioner

Versus

State represented by
The Inspector of Police,
Central Crime Branch (CCB-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 petitioner on bail in the event of his arrest in Crime No.219 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.J.Jayan

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

O R D E R

The petitioner, 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 the defacto complainant intended to purchase a portion of the 1st accused's property i.e., 800 sq.ft. on east side, which is situated in S.No.247/36, Plot No.166, 167, Nerkundram Village, Maduravayal Taluk, Tiruvallur District for a valuable consideration of a sum of Rs.41,90,000/-. During the course of transaction, believing the words of the other Accused, who were also assured the said transaction is genuine and had misrepresented by colluding with the petitioner. The petitioner submit that towards the said sale consideration, part amount given through Cheque of Canara Bank and balance has been settled by way of cash. Further, sale deed has been executed towards the conveyance of the property and the same is registered as Document No.3133/2018 on the file of Virugambakkam Sub Registrar Office dated 04.06.2018. The said Document has been witnessed by the accused 2 and 3, who were attested the sale deed



document. Thereafter, in view pandemic outspread of COVID-19, the defacto complainant intended to sell his property and for the same encumbrance has been applied, wherein to his shock and surprise came to know that the sale deed of the 1st accused executed by his vendor became null and void in view of Exparte Judgment and Decree made in O.S.No.477 of 2013, on the file of Principal District Munsif, Poonamallee. Therefore, the aggrieved by the fraudulent act and suppressing the Civil Litigation by the petitioners and other accused person, complaint has been lodged by the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has 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 petitioner.

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

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his 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 Special Metropolitan Magistrate For the exclusive Trial of CCB and CBCID Cases, Egmore, 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 is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh 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 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.

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



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

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 SPECIAL METROPOLITAN MAGISTRATE FOR
THE EXCLUSIVE TRIAL OF CCB
AND CBCID CASES, EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
CCB-1, CHENNAI.



4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.J.JAYAN Advocate on payment of necessary charges
SR.NO.1016

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.557

CRL OP.25395/2021

Date :11/01/2022

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