



CrI.O.P.No.25785 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471, 406, 420 and 506(i) IPC, in Crime No.136 of 2022, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons impersonated as owners of the property, who are in USA and by fabricating false documents, agreed to sell the lands to the defacto complainant and by fixing the value at Rs.3 Crores, has received an amount of Rs.25 Lakhs as an advance and cheated the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that this is the second anticipatory bail petition. The earlier application for anticipatory bail was dismissed by this Court on the ground that there are two previous cases pending against the petitioner. He would submit that



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certain important facts were not brought before this Court. Therefore, this Court had dismissed the earlier application. He would submit that the petitioner is a retired employee of Anna University. He worked as a research assistant and after his retirement, he ventured into real estate business. The petitioner is also a victim of the cheating and fraud played by one Sivaraj and other accused namely Sekar, Sujatha and Abilesh, who claimed to be the owners of the property and they have also attempted to sell the property by impersonation. Except the above mentioned persons, the petitioner does not even know any other persons in the case. The petitioner had also parted with monies after being lured by the above accused persons. The defacto complainant, being fully aware of these facts had deliberately dragged the petitioner's name in his complaint, solely with a view to arm-twist and coerce the petitioner into parting with the alleged monies which the defacto complainant is said to have given to Ponnarasi and others. The only reason the defacto complainant had implicated the petitioner is that he believes that the petitioner is a man of means and therefore, he can exploit him to make good his alleged loss suffered at the hands of the other accused.



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4. The learned counsel would further submit that originally, on the complaint given by the defacto complainant, an enquiry was conducted in C.S.R.No.13 of 2022 dated 06.01.2022 and the petitioner was served notice under Section 41(A) Cr.P.C., and the petitioner duly appeared before the enquiry and the same was also closed. The respondent had advised the petitioner to go for judicial remedy, however, subsequently for reasons unknown without the knowledge of the petitioner, the respondent has registered the case. Thereby, the petitioner has been compelled to file this application. He would further submit that in the intervening application, the defacto complainant has stated that the monies were parted to other accused and not to the petitioner. Further, in respect of the earlier case, where the petitioner was cheated by the other persons on the complaint given by one of the legal heirs, F.I.R was registered. He reiterated that the petitioner is a man of means and submitted that the entire case of the prosecution is borne out by documents. Further, the respondent has not taken any steps to arrest the persons whom even as per the defacto complainant are stated to have received the monies. However, he would submit that without prejudice,



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the petitioner, to show his bonafides, is prepared to deposit original title deeds of immovable property worth of Rs.30 lakhs belonging to himself or his friends or family members to the credit of Cr.No.136 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

5. Per contra, the learned Government Advocate (CrI. Side) for the respondent police would submit that the petitioner along with other accused impersonated as owners of the property and by fabrication of documents received an amount of 25 Lakhs as advance from the defacto complainant. He would submit that though earlier, the petitioner had appeared before the respondent at the stage of C.S.R, thereafter, he had moved the application for anticipatory bail before this Court. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Mr.S.Senthilvel, learned counsel appearing for the defacto complainant/Intervenor would submit that the petitioner had engaged the other accused who had impersonated as original owner of the property, offered to sell the property and the accused have received advance



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amount of 25 Lakhs and cheated. However, he submits that the amounts were parted only to the other accused and from them, the amount has been gone into the hands of the petitioner. Therefore, he opposed to grant anticipatory bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent and perused the materials available on record, including the F.I.R and other materials filed along with the petition.

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 petitioner is ready to deposit any immovable property either belonging to the petitioner or his friends or family members to the value of 30 Lakhs to the credit of Cr.No.136 of 2022 within a period of two weeks from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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9. 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.1, Poonamallee, on condition that each of the petitioner 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 petitioner shall deposit the original title deed of any immovable property (either belonging to himself, friends or family members) worth about Rs.30,00,000/- (Rupees Thirty Lakhs) to the credit of Crime No.136 of 2022 before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.



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

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

[e] the petitioner 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 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]***;

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

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