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Crl.O.P.Nos.5372 & 6011 of 2023

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and Crl.MP.Nos.3981 & 4140 of 2023

A.D.JAGADISH CHANDIRA, J.

In Crl.OP.No.5372 of 2023 : The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 406, 420, 465, 506(ii), 120(B) IPC r/w 34 IPC in Crime No.114 of 2023, seeks anticipatory bail.

In Crl.OP.No.6011 of 2023: The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 34, 120B, 406, 420, 465, 506(2) of IPC in Crime No.114 of 2023, seeks anticipatory bail.

2. Totally there are four accused in this case. The petitioners herein are arrayed as A2, A3 and A4. The case of the prosecution as per the defacto complainant Kailasam is that, the petitioners are the auction purchaser of the property from City Union Bank. Only after purchase of the property, he came to know that the accused have joined together and purposely left out the survey



Crl.O.P.Nos.5372 & 6011 of 2023

number in the documents and cheated the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner in Crl.OP.No.5372 of 2023 would submit that they are the promoters of the property/layout. On account of some discrepancies in the Revenue Records and in the Sale Deed, the defacto complainant has given a complaint. He further submit that pursuant to the order passed by this Court dated 23.03.2023, and the undertaking given by the petitioners that they would clear the encumbrance and the discrepancies in the documents, this Court had granted interim protection. Subsequently, the petitioners along with the defacto complainant and the Manager of the Bank have approached the Registration Authority and have filed necessary rectification deed, which has been registered on 09.06.2023 by the document no.4808, at the office of The Sub Registrar, Tambaram. He would further submit that the petitioners are ready and willing to co-operate with the defacto complainant as well as the bank officials and if any further rectification is necessary. He further submit that it is a case of civil dispute which has been



Crl.O.P.Nos.5372 & 6011 of 2023

unnecessarily exaggerated and a false complaint has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the petitioner in Crl.OP.No.6011 of 2023 would submit that the petitioner is arrayed as fourth accused in this case. He further submit that the petitioner is the Assistant General Manager of City Union Bank. The defacto complainant had knowing well participated in the auction and thereafter after purchasing the property he has given a false complaint. He further submit that as on date, the rectification has been carried on and thereby, he prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) would submit that the petitioners have cleared encumbrance by executing necessary rectification deeds. He would further submit that the petitioners have also co-operated for enquiry. Hence, he opposed for grant of anticipatory bail to the petitioners.

6. This Court, by order dated 23.03.2023 had directed the parties to



CrI.O.P.Nos.5372 & 6011 of 2023

rectify the errors in the Revenue records and in the Sale deed. Now, it is reported by the petitioners that the rectification have been done.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 **learned Judicial Magistrate No.I, Tambaram** on condition that the petitioners shall execute separate bond for a sum of Rs.5,000 /- (Rupees Five Thousand only) each 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 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



Cr.O.P.Nos.5372 & 6011 of 2023

or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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 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.

8. Accordingly, this Criminal Original Petition is ordered. Consequently, connected Miscellaneous Petitions are closed.

15.06.2023

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