



WEB COPY



Crl.O.P.Nos.6508 & 5725 of 2023

Crl.O.P.Nos.6508 & 5725 of 2023

and

Crl.M.P.Nos.4700 & 4010 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468, 471, 294(b) and 506(i) of IPC in Crime No.139 of 2022, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant D.Anthony is that the petitioners/accused persons are known to him. He is working as a driver in the Metropolitan Transport Corporation for the past 15 years. During such time, the petitioner/A1 in Crl.O.P.No.6508 of 2023, had induced the de-facto complainant stating that he would be able to obtain allotment of house from the Tamil Nadu Housing Board and the Tamil Nadu Slum Clearance Board in the tenements constructed by the Board at Ayyambakkam and had received a sum of Rs.1,50,000/- during the month of April 2017. Believing the same, the de-facto complainant and his friends and relatives numbering 33 persons have paid Rs.1,50,000/- each totally Rs.49,50,000/-, some of the amounts were also



Crl.O.P.Nos.6508 & 5725 of 2023

paid to the mother, wife and daughter of A1, when A1 was not available in the house and they have cheated. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioner in Crl.O.P.No.6508 of 2023 has been arrayed as A1 and the petitioners in Crl.O.P.No.5725 of 2023 have been arrayed as A3 and A4. A3 and A4 are none other than the wife and daughter of A1. He further submitted that the petitioners and the de-facto complainant are known to each other and believing one Venkatesan, they have collected money from several persons and handed over the same to the said Venkatesan, who has cheated several persons including the petitioners, without obtaining the allotment and had issued bogus allotment orders. He further submitted that against the said Venkatesan, there are three cases pending before the very same respondent police in Crime No.329 of 2018, Crime No.9 of 2021 and Crime No.31 of 2022. As the de-facto complainant unable to secure money from the said Venkatesan and his associates, has now given a



Crl.O.P.Nos.6508 & 5725 of 2023

false complaint, as if the petitioners are responsible. He further submitted that the petitioner in Crl.O.P.No.6508 of 2023 is working as a driver in Metropolitan Transport Corporation and he is still in service and to show his *bona fides*, without prejudice, he is ready and willing to deposit the Original Title Deeds of immovable properties worth Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to the credit of Crime No.139 of 2022 before the concerned Court at the time of furnishing the sureties. He further submitted that the case has been registered against the petitioners by the respondent police on endorsement/direction from the Court under Section 156(3) of Cr.P.C. He further submitted that the alleged occurrences are stated to have been taken place during the year 2017 and the case has been registered against the petitioners after five years during 2022. He also submitted that the petitioners are ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing



Crl.O.P.Nos.6508 & 5725 of 2023

WEB COPY

for the respondent police submitted that the petitioner/A1 in Crl.O.P.No.6508 of 2023, had induced the de-facto complainant and his friends and relatives numbering 33 persons, had received a sum of Rs.49,50,000/- (Rs.1,50,000/- each person) in the guise of issuing allotments in the Tamil Nadu Housing Board and the Tamil Nadu Slum Clearance Board and had cheated the de-facto complainant and others. He further submitted that the petitioners/A3 and A4 in Crl.O.P.No.5725 of 2023 are none other than the wife and daughter of A1 had also received amounts from various persons and cheated them. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Mr.K.Karthik, learned counsel for the intervenor submitted that the petitioners had cheated poor and downtrodden people by receiving a sum of Rs.49,50,000/- (Rs.1,50,000/- each), who are expecting that houses would be allotted to them in Ayyambakkam Tamil Nadu Housing Board/Tamil Nadu Slum Clearance Board. Hence, he objects for grant of anticipatory bail to the petitioners.



Crl.O.P.Nos.6508 & 5725 of 2023

WEB COPY

6. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent and the learned counsel for the intervenor. I have perused the materials available on record including the FIR.

7. 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/A1 in Crl.O.P.No.6508 of 2023, is prepared to deposit the Original Title Deeds of immovable properties worth about Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, **the petitioner/A1 in Crl.O.P.No.6508 of 2023, is directed to deposit the Original Title Deeds of immovable properties (stands in his name or his relatives or friends) worth Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the credit of Crime No.139 of 2022** and on such deposit, the petitioners are ordered to be released on



Crl.O.P.Nos.6508 & 5725 of 2023

WEB COPY

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 Special Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai – 600 008**, on condition that **each of the petitioner shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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.

[b] **the petitioner/A1 in Crl.O.P.No.6508 of 2023, shall deposit the Original Title Deeds of immovable properties (stands in his name or his relatives or friends) worth Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the credit of Crime No.139 of 2022 before the Special Metropolitan Magistrate Court for CCB and CBCID**



Crl.O.P.Nos.6508 & 5725 of 2023

Cases, Egmore, Chennai – 600 008 at the time of furnishing the sureties and he shall report before the respondent police every day at 6.30 p.m., until further orders.

[c] the petitioners/A3 and A4 in Crl.O.P.No.5725 of 2023 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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 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.



Crl.O.P.Nos.6508 & 5725 of 2023

9. These Criminal Original Petitions are ordered accordingly.

Consequently, connected Criminal Miscellaneous Petitions are closed.

11.04.2023

arb



WEB COPY



Crl.O.P.Nos.6508 & 5725 of 2023

A.D.JAGADISH CHANDIRA, J.

arb

Crl.O.P.Nos.6508 & 5725 of 2023

and

Crl.M.P.Nos.4700 & 4010 of 2023

11.04.2023