



Crl.O.P.No.19617 of 2023

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Orders Reserved on
08.09.2023

Orders Pronounced on
13.09.2023

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RMT. TEEKAA RAMAN.,J.

The petitioner is sole accused who apprehends arrest at the hands of the respondent Police for alleged offences punishable under Sections 406, 418, 420, 294(b) and 506(i) of IPC, seeks anticipatory bail.

2 (i). The case of the prosecution is that one Puppy alias Prema, wife of Nagamani, resident of Karasangal, Sriperumbudur, erstwhile Kancheepuram District, now Chenglepet District, has lodged a complaint with the respondent police on 01.06.2022 alleging that, she and one Mrs.Vijaya were the owners of the vacant lands situated in Kayarambedu Village, Chenglepet Taluk and District comprised in eleven survey numbers with the total measurement of 1.47 acres and the petitioner/Accused No.1 has obtained a General Power of Attorney dt.25.07.2016 with a view to form a Layout of House sites and the defacto complainant and the said Mrs.Vijaya have received a sum of Rs.15.00 lakhs from the A.1 and a cheque for a sum of Rs.35.00 lakhs was given as security till the formation of the layout of house



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sites and later on the defacto complainant came to know that A.1 sold the property of the defacto complainant and the said Mrs.Vijaya in favour of A.2 by way of a sale deed dated 01.08.2016 but the A.1 did not pay the balance amount and hence the present complaint.

3 (i). Mr.V.Raghavachari, learned Senior Counsel appearing for the petitioner would contend that the petitioner acted as a General Power of Attorney for the defacto complainant and their parents alongwith two of the other family branches and thereafter he sold the property to Krishna Estates and one of the person in the said family has given a complaint.

3(ii) The learned counsel further contended that the defacto complainant alongwith his brother and mother alongwith their paternal branch of two more family had executed General Power of Attorney dated 25.07.2016 in his favour and based upon such General Power of Attorney, he had executed the sale deed document No.8067 of 2016 and document No.8068 of 2016, two document on the very same day, viz. 01.08.2016. However, after passing of sale consideration, complaint was lodged on 31.07.2019, after three years and the summary substance of the complaint is



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that the General Power of Attorney namely the petitioner / accused herein gave a cheque, however asked them not to present the same and despite passing of three years, he has not given the amount and hence the complaint.

3(iii). The learned Senior Counsel would further contend that initially the petitioner has given a cheque however since the defacto complainant has insisted upon cash payment to avoid Income Tax, he has paid the amount, on one pretext or another he has evaded in returning the amount and after completion of three years limitation for claiming the unpaid amount, he cannot institute civil proceedings and hence gave a criminal proceedings and thereby the present complaint has come into existence.

4. The learned counsel for intervenor would contend that the petitioner/accused has not given any amount however he has sold the property for a very huge sum on 01.08.2016 and the petitioner as a Power Agent of the defacto complainant failed to account the money.



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5. The learned Government Advocate (Crl.side) would state that the investigation has been completed, case has been take on file as C.C.No.428 of 2023, on the file of Judicial Magistrate No.2, Chenglepet.

6. Considering the rival submissions and also the documents filed on behalf of the petitioner and the fact that investigation has been completed, I am inclined to grant anticipatory bail to the petitioner.

7. 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.2, Chenglepet** on condition that the petitioner shall execute a separate bond for a sum of **Rs.50,000/- (Rupees Fifty 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:



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[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 or Bank pass Book to ensure their identity.

[b]the petitioner shall deposit original title deeds standing in the name of the petitioner or in the name of his relatives to an extent of not less than Rs.2 Lakhs before the concerned Judge;

[c] the petitioner shall report before the respondent Police, as and when required, until further orders;

[d] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of the trial;

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

[f] the petitioner shall not abscond either during investigation or trial.



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[g] 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]**.

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

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RMT. TEEKAA RAMAN., J.

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Per-Delivery order in
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