



Crl.O.P.No.22354 of 2023

WEB COPY

Orders Reserved on
27.09.2023

Orders Pronounced on
29.09.2023

Crl.O.P.No.22354 of 2023

RMT. TEEKAA RAMAN., J.

The petitioners are arrayed as A.2 to A.4. A2 is the wife of A.1 and A.3 & A.4 are the daughter and son of A.1. They apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 503, 383, 120(b) IPC, registered in Crime No.225 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the one Hussain Siddique & Ajith Kumar Siryoya have filed a joint private complaint before the Metropolitan Magistrate for exclusive trial of CCB cases. The allegation is that the petitioners alongwith A.1 entered into an agreement of sale dated 20.08.2020 with Isha Life Pvt. for selling of 19 Acres of the land and cheated them by deceiving a sum of Rs.4,25,00,000/- towards 50% share for the land situated in Avalagurki Village, Kasaba Hobli Chikkbhallapura Taluk.



CrI.O.P.No.22354 of 2023

WEB COPY

3. The learned counsel for the petitioners submitted that A.1 had a civil dispute with the defacto complainant herein and also executed a letter of acknowledgement of liability. As they have threatened, all the family members also to sign the document undertaking to pay the amount due to the civil transaction, after selling of the land in Karnataka State. They have entered into an agreement of sale of that property of land in Karnataka State to the Esha Life Pvt. Ltd and received some amount as part of the sale consideration and now the suit has been filed before the Karnataka Court. A.1 had executed the sale deed on 16.07.2022 but the sale deed was subject matter of the suit before the Karnataka Court in O.S.No.375 of 2020 before the Additional Senior Division Court, Chikballapura. Hence, the defacto complainant have moved the petition before the court in Chennai, i.e. Metropolitan Magistrate Court for exclusive trial of CCB cases, Egmore, Chennai under Section 156 (3) of Cr.P.C. and obtained an order based upon which a case in Crime No.225 of 2023. It is only a civil transaction pending from 2020 onwards.



Crl.O.P.No.22354 of 2023

WEB COPY

4. The intervenor/party-in-person being an Advocate is present before this Court and argued that the petitioners alongwith A.1 has undertaken to settle the amount after sale of the property, however the same has not been complied with.

5. Heard the learned counsel for the petitioner as well as the intervenor and the learned Government Advocate (crl.side).

6. After perusing the order passed by the learned Metropolitan Magistrate in Crl.MP No.9557 of 2023 dated 11.07.2023, the plaint in above said civil suit pending before the Karnataka Court, the property is in Karnataka State and the acknowledgement of liability issued by the petitioner, I am inclined to grant anticipatory bail to the petitioners.

7. 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 is made ready, before the learned **Metropolitan Magistrate for exclusive trial of CCB cases and CBCID**



CrI.O.P.No.22354 of 2023

Egmore on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum 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 petitioners shall deposit a sum of Rs.3,00,000/- each to the credit of Crime No.225 of 2023.

[c] the petitioners shall report before the respondent police on Saturdays 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.



WEB COPY



CrI.O.P.No.22354 of 2023

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

29.09.2023

rgf



WEB COPY



Crl.O.P.No.22354 of 2023

RMT. TEEKAA RAMAN., J.

rg

order in
Crl.O.P.No.22354 of 2023

29.09.2023