



CrI.O.P.No.25165 of 2023

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C.V.KARTHIKEYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 420 and 506 (i) IPC, in Crime No.488 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The mother of the first petitioner was the owner of the property measuring about 4056 sq.ft. in S.No.289/1A, Srinivasa Nagar, Selaiyur, in the outskirts of Chennai. The husband/father of the first petitioner entered into a joint venture agreement, with a firm in which the third petitioner is a partner. Unfortunately, the father died. Now this left the property open to the third parties to take advantage of that and also the death of the father had opened up further persons to enter into agreement, there was always possibility of litigations arising.

3.In the meanwhile, the defacto complainant placed his claim on the basis of an undertaking given on a Rs.20/- stamp paper by the husband/father of the first petitioner acknowledging receipt of



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Rs.17,00,000/-. Further reliance is placed on a letter written by the mother of the first petitioner herein again acknowledging the debt. The defacto complainant has not put on any construction there. There is no agreement between the defacto complainant or of the first and second petitioners to show that they had put up any construction.

4.The learned counsel for the petitioners states that the entire transaction is not based in documents which can be termed as admissible in any Court of law. On the other hand, the learned counsel for the defacto complainant places reliance on the aforementioned two documents written by the second petitioner and the mother of the first petitioner acknowledging receipt of money. Let me keep that issue open to be decided at the time of trial. There is no civil suit filed for the recovery of money.

5.Anticipatory bail is granted to the petitioners subject to the condition that the **petitioners shall deposit jointly a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of the crime No.488 of 2023.** Let it remain to the credit of the crime number till the



conclusion of the trial. The learned **Judicial Magistrate, Tambaram**, may transfer the said amount in an interest bearing deposit scheme with auto renewal facility, in a nationalised bank and pass final orders after conclusion of the trial. If the petitioners are acquitted, the amount may be returned to them and if the petitioners are convicted, the amount may be handed over to the defacto complainant.

6. 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 **Judicial Magistrate, Tambaram**, on condition that the petitioners shall execute a separate bond **for a sum of Rs.10,000/- (Rupees Ten 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



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and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the respondent police daily morning at 10.00 a.m., for a period of two weeks and thereafter as and when required.

[c] the petitioners shall deposit jointly a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of the crime No.488 of 2023.

[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.

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