



Crl.O.P.Nos.3482 and 4469 of 2024

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C.V.KARTHIKEYAN, J.

The Petitioner/A1 has filed an application in Crl.O.P.No.4469 of 2024 and the Petitioners/A2 and A3 have filed an application in Crl.O.P.No.3482 of 2024, both in same Crime No.6 of 2024 registered by the respondent police for the offences under Sections 406 and 420 IPC. They seek anticipatory bail.

2. The Accused A1, is the father of the Accused A2 and the husband of the Accused A3. It is stated that the Accused A1 had projected that he is the owner of the property at Survey No.166/1 measuring an extent of 1.57 acres and at Survey No.166/2 measuring an extent of 0.62 acres and also at Survey No.167/1 measuring an extent of 2.43 acres, totally measuring an extent of 4 acres and 62 cents at Urapakkam Village in Chengalpattu District.

3. It is stated that projecting himself as the owner, the 1st Accused was able to convince the defacto complainant herein to hand over the original documents of power of attorney, dated 08.07.2016 registered as Document



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No.1218 of 2016 in the office of the Sub Registrar, Guduvancherry and an Document No.217 of 2016 also registered in the office of the Sub Registrar, Guduvancherry and two blank signed Rs.20/- stamp papers and two blank signed green sheets.

4. A Memorandum of Understanding had also been entered into on 21.09.2017. The Accused had received a total sum of Rs.80,00,000/- (Rupees Eighty Lakhs only). Out of this amount Rs.25,00,000/- (Rupees Twenty Five Lakhs only) had been received by each of the Accused A2 and A3 by way of cheque and Rs.30,00,000/- (Rupees Thirty Lakhs only) had been received by cash.

5. Now, since the entire claim of the 1st Accused that he was the owner, has been found to be not correct, the complaint came to be lodged and FIR had been registered.

6. The learned counsel for the Petitioners had filed an affidavit in Crl.O.P.No.3482 of 2024, wherein, it had been stated that the Accused A2 and A3 are willing to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs



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only). But however, it being very clear on the face of records that the Accused had actually received a total sum of Rs.80,00,000/- (Rupees Eighty Lakhs only), it will only be appropriate that a proper restitution is done.

7. The learned counsel also stated that he would advice the Accused to do the same but sought time. The defacto complainant had deposited the original documents to the Investigating Officer.

8. In view of these facts, this Court is inclined to grant anticipatory bail to the Petitioners subject to the following conditions that **all the Petitioners/A1, A2 and A3 are directed to jointly deposit a sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) to the credit of Crime No.6 of 2024. Initially, a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) should be deposited at the time of executing the sureties and the balance sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) should be deposited on or before 19.04.2024 and on such deposit, the defacto complainant is at liberty to file a necessary application seeking payment of the amount so deposited and the learned Judicial Magistrate No.2, Chengalpattu may take a considered decisions on such application based on the available**



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records. The Investigating Officer, may also deposit the original title deeds and hand it over to the defacto complainant into Court to the credit of Crime No.6 of 2024 and the title holder to the property may come forward to file a necessary application seeking return of the documents and the learned Judicial Magistrate No.2, Chengalpattu may again pass appropriate orders in accordance with the records available.

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 Court No.2, Chengalpattu**, 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 conditions 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.



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[b] the petitioners/A1, A2 and A3 shall jointly deposit a sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) to the credit of Crime No.6 of 2024. Initially, a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) should be deposited at the time of executing the sureties and the balance sum of Rs.30,00,000/- (Rupees Thirty Lakhs only) should be deposited on or before 19.04.2024 and on such deposit, the defacto complainant is at liberty to file a necessary application seeking payment of the amount so deposited and the learned Judicial Magistrate No.2, Chengalpattu may take a considered decisions on such application based on the available records. The Investigating Officer, may also deposit the original title deeds and hand it over to the defacto complainant into Court to the credit of Crime No.6 of 2024 and the title holder to the property may come forward to file a necessary application seeking return of the documents and the learned Judicial Magistrate No.2, Chengalpattu may again pass appropriate orders in accordance with the records available.

[c] the petitioners/A1 and A2 shall report before the respondent police daily at 10.30 a.m., until further orders and the petitioner/A3 shall report before the respondent police once in a week i.e., on every Saturday at 10.30 a.m., until further orders.



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[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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