



Crl.O.P.No.5999 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.5999 of 2024
and Crl.M.P.No.4750 of 2024

Prem Kumar

..Petitioner

Vs.

State represented by
The Inspector of Police,
CCB Chennai.
(Crime No.5 of 2024).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.5 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Suresh
For Intervenor : Mr.M.Palanivel
For Respondent : Mr.L.Baskaran
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.02.2024 for the offences registered by the respondent Police under



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Sections 406, 409, 420, 120B and 34 of IPC, in Crime No.5 of 2024 on the file of the respondent, seeks bail.

2.It is stated that the defacto complainant, his brothers and the petitioner had started a real estate business called Sri Sai Property Developers in the year 2014. It is stated that all of them had taken a decision to purchase a property at S.No.515 at Perumbakkam village. The owners of that property were A2 to A7. It would have been a simple issue, if the company entered into agreement with those land owners. But independently, it is alleged that this petitioner/A1 had entered into an agreement with the land owners. There are yet further agreements of sale entered into by the defacto complainant with land owners stating that those agreements of sale are fraudulent, the land owners have filed 5 separate suits against the defacto complainant. It is thus seen that what should have been a very straight normal transaction had been complicated by the act of not only A1 but also by the defacto complainant. In this, the land owners are also joined as accused Nos.2 to 7.



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3.The learned counsel for the defacto complainant stated that A1 must be directed to deposit amount to the Court but there is no direct evidence of money transaction between A1 and the land owners. It is also to be noted that the defacto complainant is the defendant in the suits instituted by the land owners. Unless those issues are settled, there could not be any direction for deposit of any amount. Further, every agreement also has an arbitration clause.

4.It is also to be noted that the defacto complainant had transferred money to A2 to A7 who are the land owners and not to this petitioner.

5.In view of all those reasons, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 **learned Special Metropolitan Magistrate, CCB and CBCID Court, Egmore, Chennai**, and on further conditions that:

[a] 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 report before the respondent police everyday at 10.30 a.m., until further orders.

[c] It is made clear that this order has been passed only to grant or otherwise of bail to A1 and certainly, should not influence the mind of the trial Court or also the Investigating Officer.

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

[e] the petitioner shall not tamper with evidence or witness 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 petitioner 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].

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

7. Accordingly, this Criminal Original Petition is ordered.

Consequently, connected Miscellaneous Petition is also ordered.



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To

- 1.The Special Metropolitan Magistrate,
CCB and CBCID Court, Egmore, Chennai.
2. The Central Prison, Puzhal.
- 3.The Inspector of Police,
CCB Chennai.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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