



Crl.O.P.No.13773 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Sections 406, 420 of IPC r/w. 120(B) & 34 of IPC in Crime No.05 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant along with 3 others had established a partnership firm in the name of Sri Sai Property Developers vide document No.441/4/2014 on the file of the Sub Registrar at Perambur. The defacto complainant is the prime investor and other partners are taking care of day to day affairs of the firm and especially, the A1 namely Prem Kumar was conferred special power to deal with properties. The defacto complainant being a convicted prisoner, came out in the year 2014 and decided to purchase a property in Survey No.515 of Perumbakkam Village measuring an extent of 3 Acres and 89 Cents through a land broker namely Arul Selvan, who stated that the land owners are the legal heirs of original owner Mr.Nanda Gopal Pillai and there is an ex-parte order in favour of the land owners passed in O.S.No.918/2012 on 27.08.2014. The defacto complainant advised the A1/Prem Kumar to purchase the above property carefully without affecting the rights of other partners. The A1/Prem Kumar has made payment of Rs.60,00,000/-



(Rupees Sixty Lakhs Only) through cheque and cash transaction to the land owners and as there was a set aside petition against the ex-parte order filed, which restrained to sell the property within the time framed. In the meanwhile, having taken advantage of the fact that the defacto complainant is in prison, A1/Prem Kumar has colluded with the owners of the property to purchase the same in his name instead of the firm's name and also he has committed an offence of falsification of firm's accounts and gained nearly 1 Crore and caused loss to the firm. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not innocent and he has nothing to do with the alleged offence and he has been falsely implicated in this case. The petitioner along with other owners of the property accompanied with A1 and received consideration amount and tried to sell their property to A1 instead of in favour of the firm. He is one among the owners of the land to be sold and he has no knowledge about the dispute if any between A1 and the defacto complainant. He is a law abiding citizen and he is ready to furnish any kind of sureties, if he is released on Anticipatory Bail. He undertakes that he will not tamper or hamper the witnesses, the moment he is released on Anticipatory bail. Hence, the learned



counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner induced the other accused and cheated the defacto complainant to the tune of Rs.60,00,000/-. A1 arrested and released on bail. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is directed 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 Metropolitan Magistrate for the exclusive trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom one surety should be a blood surety, each for a like sum to the



satisfaction of the respondent/police or the police officer, who intends to arrest the petitioner, 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.10,00,000/- (Rupees Ten Lakh Only) to the credit of Crime No.05 of 2024, before the concerned Magistrate within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said amount on filing undertaking affidavit and proper identification and acknowledgment;

(c) the final order in respect of the said deposit shall be passed by the learned trial judge at conclusion of trial;

(d) the petitioner shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m. respectively;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during



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investigation or trial;

(g) 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 Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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