



Crl. O.P. No.20450 of 2024

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P. DHANABAL.J.,

The petitioner / 4th Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471, 420 and 120-B of IPC in connection with the Cr. No.8 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant Balaji Rajagopalan and A1 are the partners and the defacto complainant expressed his willingness to construct a tree house in the petitioner's property with the proposed arrangement as 60% for them and 40% for the petitioner and the defacto complainant issued a cheque for a sum of Rs.10 lakhs and thereafter, denied to proceed further. The accused did not repay the amount collected from the defacto complainant. Hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case against the petitioners for the alleged offences under Sections 465, 467, 468, 471, 420 and 120-B of IPC, that the petitioner owns a property in Kodaikanal, that A1 claimed that he and his partner, one Balaji Rajagopalan, who is the defacto



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complainant, approached the petitioner for constructing a tree house in the petitioner's property with the proposed arrangement being a 60% share for them and 40% share for the petitioner and the petitioner also agreed for the said arrangement and consequently the said Balaji Rajagopalan issued a cheque for Rs.10 lakhs and the same was credited in the petitioner's HDFC bank account. Subsequently, A1 visited the petitioner and informed the petitioner that he is not inclined to proceed with the said arrangement and decided to terminate the proposal and consequently, the 1st accused requested the advance amount be transferred to his wife's account since his account was frozen by the Income Tax department and thereafter, this petitioner, on the same day, i.e., on 09.08.2022, transferred a sum of Rs.9,50,000/- to the bank account of the wife of the 1st accused and the 1st accused has taken the remaining sum of Rs.50,000/- in cash, while so, the defacto complainant has given a complaint alleging that the petitioner had received a sum of Rs.10 lakhs for the purpose of securing a patta for him, which is false, that the petitioner has not committed any offence and false case has been registered against him and hence prayed for the grant of anticipatory bail to the petitioner.

4. The learned counsel appearing for the intervenor would submit that the defacto complainant technologist, professional, entrepreneur and



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philanthropist based at the United States of America. He was defrauded and cheated by the petitioner and others. This petitioner along with other accused have falsely represented themselves as owners and trustees of various properties including Government lands and disputed properties and used fabricated documents to cheat the defacto complainant to invest in these lands, that this petitioner/4th accused was instrumental in deceiving the petitioner and made false statements convince the defacto complainant to enter into the settlement deed, partnership agreement, sale agreement and memorandum of understanding. Huge amount to the tune of Rs.6.4 crores was looted by the accused and investigation is at initial stage and hence prayed to dismiss the petition.

5. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the defacto complainant, FIR has been registered against the accused for the alleged offences under Sections 465, 467, 468, 471, 420 and 120-B of IPC and investigation is at initial stage and huge amount is involved in this case and the accused have cheated using some forged documents and hence he strongly opposed to grant anticipatory bail to the petitioner.



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6. Heard both sides and perused the materials available on record.

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7. Considering the rival submissions on either side, considering the fact that this petitioner has only received money from the 1st accused and thereafter, repaid the same to the wife of the 1st accused, that this petitioner is the owner of the property, that already there are business transactions and agreements have also been entered into between the parties and that there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered 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 **Judicial Magistrate Court No.I, Chengalpet** on condition that the petitioners shall each 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 Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily



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at 10 a.m. until further orders.

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[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[c] the petitioner shall not leave India without the previous permission of the Court;

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered



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under Section 269 B.N.S.2023.

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To

- 1.The Judicial Magistrate Court No.I, Chengalpet
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, District Crime Branch, Chengalpattu District.

P.DHANABAL,J
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