



CRL OP NOS. 29918 & 29919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NOS. 29918 & 29919 of 2024

AND

CRL MP NOS. 17765 & 17766 OF 2024

INBARAJ

Petitioner/Accused No.1 in Crl.O.P.No.29918 of 2024

SAKILA

Petitioner/Accused No.2 in Crl.O.P.No.29919 of 2024

Vs

THE STATE REP BY

INSPECTOR OF POLICE, M1, MADHAVARAM

POLICE STATION, CRIME No.953/2024

For Petitioner(s):

Mr.G.MOHANAKRISHNAN
for Mr.A.Akash

For Respondent(s):

Mr.S.SANTHOSH
Government Advocate (Crl.Side)

For Intervener

: Mr.G.V.Sridharan
Mr.T.R.Vijayaraghavan

COMMON ORDER

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of Indian Penal Code, in Crime No.953 of 2024, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that, the de-facto complainant's husband M.S.Ramakrishnan is working in the office of the prison headquarters, was approached by the petitioner in Crl.O.P.No.29918 of 2024, who was also working in his office, stating that his friend Sakila Alias Ameenabi, the petitioner in Crl.O.P.No.29919 of 2024, will make arrangements for the de-facto complainant's husband to get a land in Survey No.1260/1, Elisabeth Nagar, Madhavaram, admeasuring to 2400 sq.ft., at a cheaper price, and upon believing their promise, the de-facto complainant had given the accused persons a sum of Rs.36,43,000/- from 18.05.2018 to March 2021 respectively. After getting the money, the accused persons had neither registered the said land in the name of the de-facto complainant, nor returned the money back to them. In the month of November 2023, the accused No.2, namely Sakila had returned a sum of Rs.5,00,000/- to them and the accused yet to return the remaining sum of Rs.31,43,000/- to the de-facto complainant. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in the case. He would submit that the case of financial dispute has been falsely projected against the petitioners as a cause of cheating. He further submitted that even as per the complaint, the de-facto complainant has admitted that the second accused namely, Sakila has returned a sum of Rs.5,00,000/- to them and yet to



return the remaining sum of Rs.31,43,000/-. He also submitted that even as per the Bank statement of Sofia, who is the daughter of said Sakila, on 28.04.2023,

a sum of Rs.15,00,000/- has been transferred to the account of one Shanmugasundari, who is the sister- in-law of the de-facto complainant and subsequently, on 24.11.2023, a sum of Rs.5,00,000/- has been transferred to Ramakrishanan, who is the husband of the de-facto complainant. It is also submitted that the petitioner in CrI.O.P.No.29918 of 2024 is working as a Probationary Officer in Puzhal Jail and he is ready to appear before the respondent/police for enquiry. The petitioner Sakila, in order to show her bonafide is ready to deposit original title deed of immovable property worth Rs.10 lakhs.

4. Learned Government Advocate appearing for the respondent police while opposing for grant of bail would submit that the said Sakila along with the petitioner in CrI.O.P.No.29918 of 2024 had induced the de-facto complainant in the guise of selling the property had received an amount of Rs.36,43,000/- and returned only a sum of Rs.5,00,000/- and thereby cheated the de-facto complainant by not paying the remaining amount. He would further submit that the second accused Sakila has one previous case pending against her. As far as the petitioner in CrI.O.P.No.29918 of 2024 is concerned, he is working as Probationary Officer and no previous case is against him.



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5. The learned counsel appearing for the Intervener would submit that only on the introduction of the petitioner in CrI.O.P.No.29918 of 2024, the de-fact complainant came to know about the second accused namely, Sakila and she has given an assurance to sell the property for Rs.36,43,000/-, however, she has returned only a sum of Rs.5,00,000/- and the balance amount has not yet been received.

6. Heard the learned counsel for the petitioners, the learned Government Advocate appearing for the respondent police and also the learned counsel appearing for the Intervener and also perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel appearing on either side and also considering the fact that the second accused, namely Sakila has volunteered to deposit the original title deeds of an immovable property worth about Rs.10 lakhs to the credit of this crime number, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the second accused namely, Sakila is directed to deposit



the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of Sakila or her relatives or her friends) to

the credit of Crime No.953 of 2024, without prejudice to her rights and contentions before the trial Court, and on such deposit, the petitioners are ordered to be released on bail on their executing 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 Judicial Magistrate Court, Madhavaram**, 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 petitioners shall report before the respondent Police Station, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with the evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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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 abscond, a fresh FIR can
be registered under Section 229A IPC.

12.12.2024

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A.D.JAGADISH CHANDIRA,J.

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To

1. THE STATE REP BY
INSPECTOR OF POLICE, M1, MADHAVARAM
POLICE STATION, CRIME.

2. The Learned Judicial Magistrate Court, Madhavaram.

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