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CRL OP. 30845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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K.RAJU

S/O.KRISHNAN, RESIDING AT NO.H 25, FLAT
NO.104, FIRST FLOOR, EAST AVENUE ROAD, .
KORATTUR, THIRUVALLUR DISTRICT.

PETITIONER

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE, PALLAVARAM
POLICE STATION, CHENNAI. CR.NO.643/2024.

RESPONDENT

For Petitioner:

MR. SURESH J

For Respondent:

MR. S. SANTHOSH, ADVOCATE (CRL. SIDE)



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ORDER

Apprehending arrest in connection with Crime No.643 of 2024 registered for the offences punishable under Sections 316(2) and 318(4) of B.N.S. Act, 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the first accused had borrowed a sum of Rs.85,00,000/- from the defacto complainant on the promise of giving 2% interest and had also given documents in respect of his property as security. The further allegation is that the first accused neither returned the money nor paid interest. On enquiry it came to light that the first accused gave power to the third accused, who in turn sold the property to the petitioner. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that, other than having purchased the property believing A1 and A3, he has not committed any offence. He would further



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submit that he has neither induced nor cheated the defacto complainant and that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

4. The learned Government Advocate would submit that the first accused approached the defacto complainant and sought a sum of Rs.85,00,000/- for improving his business. The defacto complainant gave the said amount and, as a security, the first accused had given his property documents. Thereafter, the first accused gave power to the third accused in respect of the same property which he has given as security to the defacto complainant. The third accused, in turn, sold the same to the present petitioner (A2).

5. Taking into consideration the facts and circumstances of the case and that the petitioner is only a purchaser, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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 of receipt of a copy of this



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order, before the learned **District Munsif cum Judicial Magistrate, Pallavaram**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees fifteen 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner 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;

[c] the petitioner shall report before the respondent police 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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



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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 269 of BNS.

11.12.2024

bga

To

1. THE INSPECTOR OF POLICE, PALLAVARAM
POLICE STATION, CHENNAI.

2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PALLAVARAM



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A.D.JAGADISH CHANDIRA, J.

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