



Crl.O.P.No.31359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

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- 1 Uma Maheswari
- 2 J.Rajalakshmi
- 3 R.Kanchanamala
- 4 R.Malathi
- 5 K.V.Dayalan
- 6 Jayakumar
- 7 S.Rajasekar
- 8 H.Ravikanth

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PETITIONERS

Vs

- 1 State Represented By
The Inspector of Police,
CCB Chennai, LFIW-II
Anti-Land Grabbing Cell,
Central Crime Branch – III
Vepery, Chennai.
(Crime No.188 of 2024)

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RESPONDENT

PRAYER: The Criminal Original Petition has been filed under Section 482 of B.N.S.S. to enlarge the petitioners on bail in the event of arrest pending investigation in Crime.No.188 of 2024 on the file of the respondent police and thus render justice.

For Petitioners : Mr.P.K.Ganesh

For Respondent : Mr.S.Santhosh
Government Advocate



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ORDER

Apprehending arrest in connection with Crime No.188 of 2024 registered for the offences punishable under Sections 404, 406 and 420 IPC, the present petition has been filed seeking anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that he had settled a property in favour of his son and daughters imposing a condition that his daughters would help his son to marry again and later, the daughters in violation of the condition had not helped the son and further, the sons-in-law have also threatened the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the case of a civil dispute has been wrongly projected as a case of cheating. He would submit that the defacto complainant had settled the property in favour of the brother and the petitioners 1 to 4 and later due to a dispute between them, a false complaint has been given. He would further submit



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that the defacto complainant has also preferred a complaint before the D.R.O and he has also filed a civil suit seeking to cancel the settlement deed and the petitioners are contesting the same.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that Settlement deed had been executed by the defacto complainant in favour of his son and daughters on the condition that his five daughters, who were already married, will help for the remarriage of his son. Now, the father claims that the daughters have not complied with the condition. Hence, he approached RDO and Collector office and he has also filed a suit.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Metropolitan Magistrate (for exclusive trial



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of CCB Cases (Relating to cheating cases to Chennai) CBCID metro cases, Egmore, Chennai on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each, 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners 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 petitioners shall report before the respondent Police everyday at 10.30 a.m for a period of two weeks and thereafter, to report every Saturday at 10.30 a.m until further orders.

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

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



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[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 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.,

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