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Crl.O.P.No.31564 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 31564 of 2024

1.M.Rajamanickam
2.Arjunan

Petitioners

Vs

State Rep by,
The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.
Crime No.617 of 2024.

Respondent

For Petitioners:

Mr.R.Bharath Kumar

For Respondent:

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

ORDER

Apprehending arrest in connection with Crime No.617 of 2024 registered for the offences punishable under Sections 423, 465, 467, 468 and 471 of Indian Penal Code, 1860 and Section 82(a) of the Registration Act, 1908, the present petition has been filed seeking anticipatory bail.



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2. The case of the prosecution is that the accused suppressing that the defacto complainant is the another share holder in the property had sold the property and thereby cheated the defacto complainant. Hence the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this court. He would submit that the first petitioner and his father were in possession of a property from time immemorial and based on the Patta, they have sold the property to the second petitioner by way of a registered deed dated 04.09.2008 vide Document No.3890 of 2008. While so, the defacto complainant had settled 20 cents in the land belonging to the first petitioner in favour of his son and the second petitioner has filed a suit in O.S.No.605 of 2023, before the Principal Sub-Court, Kallakurichi, and only as a counter blast, a false complaint has been given. He would further submit that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that, A-1 and A-2 colluded together and sold the



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share of the defacto complainant's property and cheated the defacto complainant. He would submit that A-3 is the purchaser of the property. He would further submit that none of the persons are arrested in this case

5. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal 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.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate at Sankarapuram**, on condition that the petitioners shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] 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 his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners 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;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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A.D.JAGADISH CHANDIRA, J.

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