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Crl.O.P.Nos.31573 & 31574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

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

Crl.O.P.Nos.31573 & 31574 of 2024

Beema Rahmath Nissa

... Petitioner

Crl.O.P.No.31573 of 2024

Shaz Minas

... Petitioner

Crl.O.P.No.31574 of 2024

Vs.

The State represented by,
The Inspector of Police,
EDF-I, Beta -2,
Central Crime Branch (CCB),
Vepery, Chennai.
(Crime No.130 of 2024).

... Respondents
in both Crl.O.Ps

COMMON PRAYER : Criminal Original Petitions filed under Section 482 of BNSS, 2023 pleaded to enlarge the petitioners on bail in the event of his arrest in connection with Crime No.130 of 2024, on the file of the respondent.

For Petitioners : Mr.A.Natarajan
Senior Advocate
for Mr.Palanichamy C.P

For Intervenor : Mr.Suresh

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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COMMON ORDER

Apprehending arrest in connection with Crime No.130 of 2024 registered for the offences punishable under Sections 406, 420, 465, 467, 468, 471, 120(B) r/w 34 of IPC, the present petitions have been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in the case, Mr.A.Natarajan, learned Senior Counsel for Mr.Palanichamy, learned counsel for the petitioners/A5 & A6 seeks indulgence of this Court. He further submits that the petitioners are an innocent purchasers having purchased the property during the year 2007 from A3 and A4, who earlier purchased the property from A1 and A2. A1 and A2 are the persons, who have borrowed money from the financial institution by depositing the title deed of the property. Thereafter, suppressing the fact that the property was under mortgage, A1 and A2 had sold the property to A3 and A4 and the petitioners believing A3 and A4 had purchased the said property. He would further submit that the petitioners were not aware of the mortgage and sold the property to the defacto complainant in the year 2018, by way of registered sale deed. The defacto complainant purchased the property by obtaining the loan from ICICI Bank after obtaining legal advice from



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the Bankers. Further, the petitioner in Crl.O.P.No.31573 of 2024 is a house wife and her husband is employed in Singapore and without any knowledge about the loan against the property had sold the same to the defacto complainant and the petitioners are ready to abide any stringent conditions.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioners suppressing the fact that the apartment was mortgaged with the financial institution, had sold the same for an amount of Rs.54,50,000/- to the defacto complainant and cheated him.

4.Learned counsel appearing for the intervenor would submit that the petitioners knowingly very well that the property was under mortgage, had sold the same to the defacto complainant and objected for grant of bail.

5.Having heard the learned Senior Counsel appearing for the petitioner; learned counsel for the intervenor 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



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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 Special Court for CCB and CBCID Cases at 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 fails 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 AM., for a period of one week and thereafter, as and when required for the purpose of investigation;

[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.

02.01.2025

rst

To

- 1.The Special Court for CCB and CBCID Cases at Egmore,
Chennai.
- 2.The Inspector of Police,
EDF-I, Beta -2,
Central Crime Branch (CCB),
Vepery, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA., J.

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