

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18457/2023

in

Crl.M.P.No.12666/2023

in

Crime No.105/2023

Manikandan

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

D-6, Anna Square Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.T.V.Somasundaram, U.Yuvaraj, A.Vinothkumar, M.Dhilipan and T.Kanimozhi, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.12666/2023, dt: 8.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.12666/2023, dated 8.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 49 days.

4. The petitioner has complied the condition for 49 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18459/2023

in

Crl.M.P.No.14045/2023

in

Crime No.183/2023

J.Rupesh Kumar

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

K-4, Anna Nagar Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.K.M.Malarmannan and S.L.Venkatesan, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.14045/2023, dt: 21.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.14045/2023, dated 21.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 35 days.

4. The petitioner has complied the condition for 35 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18460/2022

in

Crl.M.P.No.13884/2023

in

Crime No.111/2023

Earaga Selvam

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police, TIW,

V-5, Thirumangalam Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.P.John Victor, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.13884/2023, dt: 22.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.13884/2023, dated 22.6.2023 with condition to appear before the respondent police daily at 10.30 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 35 days.

4. The petitioner has complied the condition for 35 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18461/2023

in

Crl.M.P.No.13644/2023

in

Crime No.3/2022

K.Anuradha

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
W-23, All Women Police Station,
Royapettah,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.Shinu Thomas, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.13644/2023, dt: 20.6.2023.
2. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.13644/2023, dated 20.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.
3. Learned CPP submits that the petitioner has complied the condition for 38 days.
4. The petitioner has complied the condition for 38 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.
5. (i) Petition is allowed.
(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18462/2023

in

Crl.M.P.No.13638/2023

in

Crime No.3/2022

G.Subramani

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

W-23, AWPS Royapettah Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Senthil Kumar and K.Velavan, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.13638/2023, dt: 20.6.2023.

2. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.13638/2023, dated 20.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 38 days.

4. The petitioner has complied the condition for 38 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18463/2023

in

Crl.M.P.No.12780/2023

in

Crime No.34/2023

Prasanth

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

B-3, Fort Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.R.Kannabiran, S.Selvarajan and S.Gurumurthy, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.12780/2023, dt: 9.6.2023.

2. The petitioner was granted bail by this court in Crl.M.P.No.12780/2023, dated 9.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 39 days.

4. The petitioner has complied the condition for 39 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18471/2023

in

Crl.M.P.No.13136/2023

in

Crime No.118/2023

Naseem Ahamed Khan

.. Petitioner/Accused

Vs.

State Rep. by

The Inspector of Police,

Central Crime Branch, Vepery,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.B.Kalaiarasan, R.Surendar Kumar and Kamal, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks relaxation of the condition imposed by this court in Crl.M.P.No.13136/2023, dt: 14.6.2023.

2. The petitioner was granted anticipatory bail by this court in Crl.M.P.No.13136/2023, dated 14.6.2023 with condition to appear before the respondent police daily at 10.00 a.m. until further orders.

3. Learned CPP submits that the petitioner has complied the condition for 34 days.

4. The petitioner has complied the condition for 34 days. Considering the nature of case and the number of days complied, this court is inclined to relax the condition.

5. (i) Petition is allowed.

(ii) Condition is relaxed in toto.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023

Crl.M.P.No.18455/2023

in

Crl.M.P.No.14329/2023

in

S.C.No.419/2022

(On the file of the learned II Additional Sessions Judge, Chennai)

in

Crime No.570/2022

Mohan @ Kattan Mohan

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
K-1, Sembium Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.R.Jothinath and A.Elumalai, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks modification of the condition imposed by this court in Crl.M.P.No.14329/2023, dt: 23.6.2023.
2. The petitioner was granted bail by this court in Crl.M.P.No.14329/2023, dated 23.6.2023 with condition that the petitioner shall appear before the learned II Additional Sessions Judge, Chennai on all working days at 10.30 a.m. until further orders. The petitioner was granted bail in another case in S.C.No.338/2023, pending on the file of the learned XVII Additional Sessions Judge, Chennai with direction to appear before the said court at 10.30 a.m. The petitioner is not able to attend both the courts at the same time and hence, the condition may be modified.

3. Considering the reasons stated by the petitioner, this court is inclined to modify the condition and for the two cases, the petitioner is directed to appear before the learned II Additional Sessions Judge, Chennai on all working days at 10.30 a.m. until further orders.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt.S.Alli, M.L.,
Principal Sessions Judge
Tuesday, the 1st day of August, 2023.**

Crl.M.P.No.18456/2023

in

Crl.M.P.No.11787/2023

in

C.A.No.288/2023

in

S.T.C.No.2715/2022

(on the file of the learned Metropolitan Magistrate, FTC-I, Egmore at Allikulam, Chennai)

1. M/s.Abu Estate (P) Ltd.,
Rep. by its Managing Director
Abu Thahir.
2. Abu Thahir
3. Abdul Azeez
4. Narazia Banu

.... Petitioners/Appellants/Accused

Vs.

C.M.Babu,
Proprietor of M/s.CMB Traders,
Having Office at :
New No.42, Old No.34,
Selvavinayagar Koil Street,
Perambur, Chennai-600011,
Rep. by his Power of Attorney S.Prabu

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.D.Lakshmipathy and T.Gopinathan, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. Petitioners seek extension of time granted in Crl.M.P.No.11787/2023, dated 31.5.2023.

2. As per the order passed in Crl.M.P.No.11787/2023, dated 31.5.2023 this court suspended the sentence imposed on the petitioners with condition to deposit 20% of the

compensation amount before the trial court within 60 days from the date of the order. Now, the present petition has been filed to extend the time.

3. According to the counsel for the petitioners, the petitioners sustained huge loss in the business and they are not in a position to mobilise the 20% of the compensation amount. Hence, the time may be extended.

4. Considering the reasons stated by the petitioners, this court is inclined to grant further time for two weeks to deposit the amount.

5. Petition is allowed and two weeks time till 16.8.2023 is granted to deposit the 20% of the compensation amount.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023

Crl.M.P.No.18650/2023

in

Crl.M.P.No.6195/2018

in

R.R.No.10/2018

in

F.No.Enq.126/2017-SIIB

(On the file of the respondent)

Hari Prabhu,
Director, Raj Brothers Shipping Pvt. Ltd.,
No.64/23, Jeevarathinam Salai,
Tondiarpet,
Chennai-600081.

.. Petitioner/Accused

Vs.

State Rep. by
The Senior Intelligence Officer,
Special Intelligence and Investigation Branch,
Custom House, Rajaji Salai,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.R.C.Paul Kanagaraj, M.Soundar Vijay Arulm and A.Selvarasu, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner seeks modification of the condition imposed by this court in Crl.M.P.No.6195/2018, dt: 16.4.2018.
2. The learned counsel for the petitioner submits that the petitioner was granted bail by this court in Crl.M.P.No.6195/2018, dated 16.4.2018 with condition that the petitioner shall execute a bond for Rs.10,000/- with two sureties each for the likesum to the satisfaction of the learned Additional Chief Metropolitan Magistrate (E.O.II), Chennai on production of Aadhar Card for proper identification and that the petitioner shall deposit

property document worth Rs.10,00,000/- before the trial court and also the direction to appear before the Investigating Officer daily at 10.30 a.m. until further orders and the petitioner shall not leave Chennai Headquarters without intimation to the respondent police. He further submits that the petitioner had executed sureties and released from judicial custody and thereafter complied the condition of appearing before the respondent daily from 18.4.2018 and thereafter the condition imposed was also relaxed totally by the order in CrI.O.P.No.29807 of 2018, dated 12.2.2019. He further submits that the petitioner was detained under COFEPOSA Act on 3.9.2018 and the said detention was revoked by the Advisory Board on 16.11.2018 and the petitioner was released on 20.11.2018. Though the case was registered in the year 2018, the respondent has not filed the final report. The investigation in the above case was almost completed. The petitioner had deposited the title deed of the property at No.26/13, 10th Lane, Narayanappa Nayakkan Thottam, Old Washermenepet, Chennai-600021 vide Document No.4442/2016, dated 25.12.2016. The title deed of the property deposited in the court was purchased in the name of the petitioner and his wife. At the time of execution of sureties the matrimonial life was going peacefully and at present there was lot of disputes between them and one of the dispute is this property and if the title deed of the property is returned, then a part of matrimonial dispute can be resolved. Hence, seeks for the modification of the condition No.7(iii) passed in CrI.M.P.No.6195/2018.

3. Learned Special Public Prosecutor would submit that though investigation is over, charge sheet is not yet filed. The presence of the petitioner before the respondent is necessary.

4. The bail order was granted on 16.4.2018 with condition to deposit property document worth Rs.10 lakhs. Accordingly, the petitioner has deposited the property document stands in his name and in the name of his wife. According to the petitioner, there was dispute between the petitioner and his wife. The investigation is almost over and the respondent has not filed the Final Report. Hence, the condition to deposit the title deed has to be modified. Considering the reasons stated by the petitioner and also the fact that the investigation is over and till date the charge sheet has not been filed, this court is inclined to modify the condition. Accordingly, the condition to deposit property document worth Rs.10,00,000/- before the trial court is modified and the trial court is directed to return the

property document deposited by the petitioner. Further, the petitioner is directed to appear before the respondent as and when required for interrogation. Accordingly, the petition is allowed.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18614/2023

in

H-5, New Washermenpet P.S. Crime No.316/2023

Venkatesh

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.M.Illiyas, A.Venkateswara Babu and G.Sundaresan, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner, who was arrested on 26.7.2023 for the offences punishable under Section 307 of IPC in Crime No.316/2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submits that it is alleged that when the victim along with petitioner and two others were consuming alcohol and due to religion issue between the petitioner and defacto complainant, when the victim standing at Balcony, someone pushed him down and sustained injury. He further submits that the petitioner has nothing to do with the alleged offence. The victim has been discharged from the hospital on 28.7.2023. Hence, the petitioner may be granted bail. He also produced the copy of discharge summary.

3. On the other hand, the learned CPP submits that the defacto complainant along with the accused, including the petitioner were consuming alcohol and at that time there was argument regarding the religion. Thereafter, when the defacto complainant was standing at the balcony, the petitioner herein has pushed him down. The defacto complainant fell down and sustained injury and investigation is pending.

4. Injured has been discharged from the hospital. The petitioner is ready to abide by any condition. Considering the nature of case and the fact that the injured has been discharged from the hospital, this court is inclined to grant bail.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned XV Metropolitan Magistrate, Chennai and on further condition 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 petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in open court.

Principal Sessions Judge

Copy to :

1. The learned XV Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.

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Crl.M.P.No.18614/2023

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.18616/2023

in

H-5, New Washermenpet P.S. Crime No.316/2023

Santhoshkumar Ramesh

.. Petitioner/Accused

Vs.

State Rep. by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.B.Kalaiarasan, Priyadarshini, I.Kamali and Udhayakumar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioner, who was arrested on 13.7.2023 for the offences punishable under Section 307 of IPC in Crime No.316/2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submits that it is alleged that the defacto complainant and the petitioner's friends used to have alcohol and at that time there was social talk between the defacto complainant with others, after that the defacto complainant went to the balcony with the drunken state and one of his friends namely Venkatesh pushed him down from the balcony. He further submits that the petitioner was not in the occurrence place and he has nothing to do with the alleged offence. The victim has been discharged from the hospital on 28.7.2023. Hence, the petitioner may be granted bail. The discharge summary has been produced.

3. On the other hand, the learned CPP submits that the defacto complainant along with the accused, including the petitioner were consuming alcohol and at that time there was argument regarding the religion. Thereafter, when the defacto complainant was standing at the balcony, the petitioner herein has pushed him down. The defacto complainant fell down and sustained injury and investigation is pending.

4. Injured has been discharged from the hospital. The petitioner is ready to abide by any condition. Considering the nature of case and the fact that the injured has been discharged from the hospital, this court is inclined to grant bail.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the learned XV Metropolitan Magistrate, Chennai and on further condition 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 petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner 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 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]**.

(f) If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in open court.

Principal Sessions Judge

Copy to :

1. The learned XV Metropolitan Magistrate, Chennai.

2. The Superintendent, Sub-Jail, Saidapet, Chennai.

ss

Crl.M.P.No.18616/2023

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.**

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.17922/2023

in

F-5, Choolaimedu P.S. Crime No.213/2023

1. S.Sagaya Amitha
2. Amal Petersen

.. Petitioners/Accused

Vs.

State Rep. by
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.John Peter and J.Vincent Kumar, Counsel for the petitioner and of CPP for respondent and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable u/s 406 and 420 of IPC in Crime No.213/2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submits that the petitioners are husband and wife. It is alleged that the 2nd petitioner represented the defacto complainant that he is the owner of the subject property and received lease amount of Rs.6,00,000/- from the defacto complainant by entering into a lease agreement dated 10.3.2020. It is further alleged that during July 2022, the persons from TATA Capital Finance Ltd. had come to take possession informing that the petitioners sold the property to one Mohammed Hajif, who had taken loan from the said company and failed to repay the loan amount. He further submits that the petitioners are the owner of the property and upon sale of the same, the subsequent purchaser had given the 2nd petitioner authorisation to maintain the property. The amounts collected by the petitioners had been given to the purchaser / 3rd accused. On account of financial difficulties, the purchaser was not able to repay the loan. The petitioners are not guilty of any offence. Civil transaction has been given a criminal colour. The petitioners apprehend arrest at the hands of the respondent police. Hence, they may be granted anticipated bail.

3. On the other hand, the learned CPP submits that the defacto complainant entered into a lease agreement with the 2nd petitioner and paid Rs.6 lakhs by way of two cheques to the petitioners. At the time of agreement, the 2nd petitioner informed that he is the owner of the property. Thereafter, when the defacto complainant demanded the lease amount, the petitioners entered into further lease agreement. In July, 2022, the persons from TATA Capital Housing Finance Limited company came to the house and informed that the house was sold to one Mohammed Haneef prior to the lease agreement and he had obtained loan and did not repay the same. When the defacto complainant demanded return of lease amount, the accused threatened him. Amount has not been recovered. The accused have also cheated another person and a case has been registered. Arrest of the accused is necessary for interrogation. Hence, strongly opposed the petition.

4. The petitioners, having sold the property to one Mohammed Haneef, entered into a lease agreement with the defacto complainant and received a sum of Rs.6 lakhs. The said Mohammed Haneef obtained loan from the financial company and did not repay the same, hence, the said company has been initiating action to recover possession of the property, where the defacto complainant is living. The accused have failed to repay the lease amount and cheated the defacto complainant. It is submitted by the prosecution, that the accused have also cheated another person and one more case has been registered against them. Arrest of the accused is necessary for custodial interrogation. Considering the nature of case and strong objection raised by the prosecution, this court is not inclined to grant anticipatory bail.

5. Petition is dismissed.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

**Present : Tmt.S.Alli, M.L.,
Principal Sessions Judge.**

Tuesday, the 1st day of August, 2023.

Crl.M.P.No.17924/2023

and

Crl.M.P.No.18482/2023

(Intervene Petition)

in

F-5, Choolaimedu P.S. Crime No.176/2023

1. S.Sagaya Amitha

2. Amal Petersen

.. Petitioners/Accused

Vs.

State Rep. by

The Inspector of Police,

F-5, Choolaimedu Police Station,

Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.S.John Peter and J.Vincent Kumar, Counsel for the petitioner and of CPP for respondent and of M/s.M.Ravindhar and R.Anbarasi, Counsel for the intervenor and upon hearing both sides, this Court delivered the following,

ORDER

1. The petitioners, who apprehend arrest by the respondent police for the alleged offences punishable u/s 406 and 420 of IPC in Crime No.176/2023 on the file of the respondent police, seek anticipatory bail.

2. The learned counsel for the petitioners submits that the petitioners are husband and wife. It is alleged that the defacto complainant paid Rs.12,00,000/- as lease hold deposit to one Mohammed Hanifa, during June 2022, the persons from TATA Capital Finance Ltd. had come to take possession informing that the same Mohammed Hajif, who had taken loan from the said company and failed to repay the loan amount. He further submits that the petitioners are only maintaining the property in question and the amounts were collected only by the said Mohamed Hanifa / A1. On account of financial difficulties, the purchaser was not able to repay the loan. The petitioners are not guilty of any offence. Civil transaction has been given a criminal colour. The petitioners apprehend arrest at the hands of the respondent police. Hence, they may be granted anticipated bail.

3. On the other hand, the learned CPP and the learned counsel for the intervenor submit that the 1st accused Mohammed Haniff is the owner of the property. During April,

2022, the petitioners / A4 and A2 said that the house is out of encumbrance and fit for entering lease agreement. On the assurance given by them, the defacto complainant entered into a lease agreement and paid Rs.12,00,000/- and the possession of the property was handed over to him. In July, 2022, the persons from TATA Capital Finance Pvt. Ltd. came to the property and informed that the property was mortgaged with them for Rs.2 crores and A1 has not repaid the same. When the defacto complainant approached the petitioners and A1, they assured to return the amount within a month, but, did not returned the same. The petitioners have intentionally suppressed the whereabouts of A1. The petitioners and A3 have played the key role in the above lease transaction. The accused have also cheated another person and a case has been registered. Arrest of the accused is necessary for interrogation. Hence, strongly opposed the petition.

4. The petitioners induced the defacto complainant to enter into a lease agreement with one Mohammed Haneef for a sum of Rs.12 lakhs. The said Mohammed Haneef obtained loan of Rs.2 crores from the financial company and did not repay the same, hence, the said company has been initiating action to recover possession of the property, where the defacto complainant is living. The accused have failed to repay the lease amount and cheated the defacto complainant. It is submitted by the prosecution, that the accused have also cheated another person and one more case has been registered against them. Arrest of the accused is necessary for custodial interrogation. Considering the nature of case and strong objection raised by the prosecution, this court is not inclined to grant anticipatory bail.

5. Petition is dismissed.

Delivered by me today in open court.

ss

Principal Sessions Judge

IN THE COURT OF SESSIONS AT CHENNAI

Present : Tmt.S.Alli, M.L.,

Principal Sessions Judge.

Tuesday, the 1st day of August, 2023

CrI.M.P.No.1/2023

in

C.A.No.434/2023

in

C.C.No.6424/2017

(on the file of the Metropolitan Magistrate, FTC-V, Saidapet, Chennai)

A.Govindaraj

.... Petitioner/Appellant/Accused

Vs.

N.Vijayaraj

.... Respondent/Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s.J.Sudha Gandhi, Counsel for the petitioner, upon hearing the counsel for the petitioner, this Court delivered the following,

ORDER

1. The petitioner seeks suspension of sentence pending disposal of the appeal.

2. The Petitioner/Appellant herein is the accused in C.C.No.6424/2017 on the file of the learned Metropolitan Magistrate, FTC-V, Saidapet, Chennai. On 28.6.2023 judgment was pronounced in the above case and the petitioner was found guilty u/s.138 of N.I. Act he was sentenced to undergo 8 months Simple Imprisonment and to pay the cheque amount of Rs.6,00,000/- as compensation to the complainant, in default, to undergo three months S.I.

3. Learned counsel for the petitioner would submit that the petitioner has fair chance of success in the appeal. Hence, prays to suspend the sentence.

4. This court has also perused the memorandum of appeal and the submission made by the petitioner's counsel. The judgment was pronounced on 28.6.2023 and the trial court suspended the sentence till 27.7.2023. However, the petitioner has filed the appeal only on 27.7.2023 along with the suspension of sentence petition. Today, the petitioner has surrendered before this court, however, he has not filed any petition for surrender. The suspension of sentence granted by the trial court has already lapsed on 27.7.2023.

Considering the above circumstances and the conduct of the petitioner, this court is not inclined to suspend the sentence. Accordingly, the petition is dismissed.

Delivered by me today in open court.

Principal Sessions Judge

Copy to
The Metropolitan Magistrate, FTC-V, Saidapet, Chennai.
SS