

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Saturday, the Eleventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.9212 of 2017

A.MOHAMMED YASEEN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,
EDF-I TEAM, CENTRAL CRIME BRANCH,
GREATER CHENNAI CITY,
O/O COMMISSIONER OF POLICE,
VEPERY, CHENNAI
CR.NO.255 OF 2014.

For Petitioner : M/S.M.A.MUTHALAKAN Advocate

For Respondent : M/S.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.KINGSLY SOLOMON

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested on 18.04.2017 for the offence under Section 406 & 420 read with Section 34 of IPC in Cr.No.255 of 2014 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner is a power agent allegedly he got power from the original owner. Believing that word defacto complainant gave a sum of Rs.3.30 Crores in order to purchase a property. However, the fact reveals that the petitioner is not the owner of the property and through impersonation, he created records as power holder. Hence, the law enforcing agency registered a case in the year 2015. Thereafter, he was arrested and enlarged on bail by the learned XI Metropolitan Magistrate, Saidapet, on condition that he will settle the amount in favour of the defacto complainant.

3. Since the petitioner did not settle the amount, petition for cancellation of bail was moved before this Court and this Court vide order dated 07.07.2015 cancelled the bail granted in favour of the petitioner. Thereafter, the petitioner moved bail application before the lower Court and the same was dismissed. Hence, the petitioner has filed this petition. This Court vide order dated 11.05.2017 granted interim bail to the petitioner on condition to file an affidavit of undertaking to settle the defacto complainant on or before 17.07.2017.

4. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Immediately, after grant of bail by the learned XI Metropolitan Magistrate, Saidapet, the petitioner paid a sum of Rs.10 Lakhs to the defacto complainant and property worth about Rs.1 Crore was given as security to the defacto complainant.

5. The learned counsel appearing for intervenor would submit that the petitioner paid only a sum of Rs.10 Lakhs out of Rs.3.30 Crores and copy of the document alone was given to defacto complainant for security and no original document was furnished.

6. The learned Additional Public Prosecutor would submit that the petitioner collected a sum of Rs.3.30 Crores from the defacto complainant on ground that the petitioner is the owner of the property, however, investigation reveals that the petitioner through impersonation secured the power of attorney and till date has not honoured the condition imposed by the learned XI Metropolitan Magistrate, Saidapet.

7. Considering the huge amount involved in this case and the fact that the petitioner has not taken any steps to repay the amount, this Court is not inclined to grant bail to the petitioner.

8. Hence, this criminal original petition is dismissed. The order of interim bail initially granted on 11.05.2017 and subsequently extended, shall stand cancelled.

-sd/-

11/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 XI METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE,
EDF-I TEAM, CENTRAL CRIME BRANCH,
GREATER CHENNAI CITY,
O/O COMMISSIONER OF POLICE,
VEPERY, CHENNAI

CC to M/S.M.A.MUTHALAKAN Advocate on payment of necessary
charges SR.NO. 15102

CC to M/S.KINGSLY SOLOMON Advocate on payment of necessary
charges SR.NO. 14978

CRL OP.9212/2017

Date :11/08/2018

cm 31/08/2018

सत्यमेव जयते

WEB COPY