



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2523 of 2018

SENTHIL @ SANNASI

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.
IN CR.NO.49/2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.S.VAIGUNTHAN, FOR
MR.G.THALAIMUTHARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (CrI. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who arrayed as A27 in this case, arrested on 03.01.2018 for the offence punishable under Sections 120 (b), 406, 419, 465, 468, 471, 420 IPC in Crime No.49 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the de facto complainant, who is the Power Agent of one Somasundaram entered into a Memorandum of Understanding with the first accused for purchasing 70 acres of land in Panjapur, Trichy, at the rate of Rs.17 lakhs per acre. Accordingly, portion of the lands purchased from the various persons. While making mutations in the revenue records, it was found that some vendors are fabricated the records, for which, the first accused undertook to settle the matter by creating charge over his own property and the same was not done. Hence, the present case has been registered. The present petitioner is arrayed as 27th accused in the above said Crime Number.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner



submitted that the de facto complainant had satisfied with the title and then only called the first accused for preparing the sale deeds. Subsequently, the first accused sent the land owners along with the fifth accused for seeing the de facto complainant and his counsel. Based on their consent, the first accused with the help of document writer executed the sale deeds in favour of the wife of said Somasundaram. The petitioner herein is also one of the vendor and he is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 03.01.2018 onwards.

4.The learned Government Advocate (Crl.side) submitted that after purchasing the land by the de facto complainant as the Power Agent of one Somasundaram, while at the time of making mutations in revenue records, it was found that the vendors / accused persons fabricated the records. He further submitted that the investigation is in progress and therefore, he prayed for dismissal of the Criminal Original Petition.

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, in order to purchase 70 acres of land in Panjapur, Trichy, A1 & A5 in this offence after making false promise towards vendors and created forged documents and completed the sale transaction. On going through the entire averments made in the FIR, it disclose that the de facto complainant made main allegation against only A1 & A5. As of now, as per the order passed by this Court in a petition filed under Section 482 Cr.P.C., further proceedings in this case was stayed. More over, the petitioner is in judicial custody from 03.01.2018 onwards. Thereby, in order to complete the investigation, further custodial interrogation may not be necessary.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i)the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Trichy;

(ii)the petitioner is directed to appear before the court daily at 10.00 a.m. until further orders;

<https://hccs.courts.mil/hccs/cases/>



(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

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(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-

22/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

+1. CC to M/S. G.THALAIMUTHARASU Advocate SR.No.2869

GJM/CM/SAR4-3P-7C-23.2.18

ORDER

IN

CRL OP(MD) No.2523 of 2018

Date :22/02/2018