

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.9740 of 2019

S.V.Chandran

..Petitioner/De-facto Complainant

Vs.

1. P.Chandran

..1st Respondent/Accused No.2

2. State rep., by

The Inspector of Police,
CCB-II,

Chennai Police Station, ..2nd Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439(2) Cr.P.C. to cancel the bail granted by the learned Judicial Magistrate, Alandur in Crl.M.P.No.6999 of 2018 dated 01.12.2018 to the 1st respondent herein.

For Petitioner : Mr.M.Prakash Kumar

For Respondent-1 : Mr.M.Kempraj

For Respondent-2 : Mr.T.Shunmugarajeswaran,
Government Advocate.

ORDER

This application has been filed seeking to cancel the bail already granted to accused No.2, P.Chandran s/o. Periyasamy on 01.12.2018, by the learned Judicial Magistrate Alandur in Crime No.205 of 2018. The accused has been charged with commission of offence under Sections 419, 465, 467, 468, 420, 34 of IPC.

2. The defacto complainant is S.V.Chandran s/o.Veeraraghavan. Since investigation is pending, I am not examining the allegation of the defacto complainant or the stand of the accused on merits, as that is the subject matter of trial by the competent Court. It is also informed that a Civil Suit is pending in O.S.No.265 of 2018 on the file of the District Munsif Court Alandur. Hence, I am not inclined to examine the issues on merits.

3. However, the Inspector of Police, Pallikaranai Police Station, is present in Court. This Court must place its deep appreciation to the said officer for having secured the property and the key of the property. The property is situated at Chithalapakkam Village. The key is handed over in Court to the learned Government Advocate and the same is also handed over to the Investigation Officer. However, the Investigation Officer viz., Inspector of Police, City Crime Branch - II, Chennai Police Station, may handover the key to the competent Court. This key was brought to the Court by the accused No.2, P.Chandran and it is handed over to the learned Government Advocate. The documents relating to the property are also handed over to the Investigation Officer. It is informed that all the Flex Boards have also been removed from the property in question.

4. One further issue raised by the learned counsel for the defacto complainant is with respect to Document No.1163 of 2018. The Sub-Registrar Office, Selaiyur, is also to be examined by the Investigation Officer, for the purpose of investigation relating to that particular document now in the possession of 2nd accused. The Investigation Officer is requested to issue notice under Section 41(A) of Cr.P.C., to both the accused persons and also to the defacto complainant and on receipt of such notices all the parties are directed to appear and handover necessary documents for further investigation. On completion of investigation, the Inspector of Police, CCB-II, Chennai Police Station, may file a final report before the competent Court.

5. Accordingly, this petition seeking cancellation of bail is dismissed.

6. However, it is made clear, that the accused persons have to co-operate with the investigation by handing over the necessary documents and the Investigation Officer is at liberty to deposit the key in the Court of the Judicial Magistrate, Alandur, Kancheepuram District, to be retained in safe custody in FIR.No.205 of 2018. The parties at lis before the Civil Court may take appropriate applications for custody of the key.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

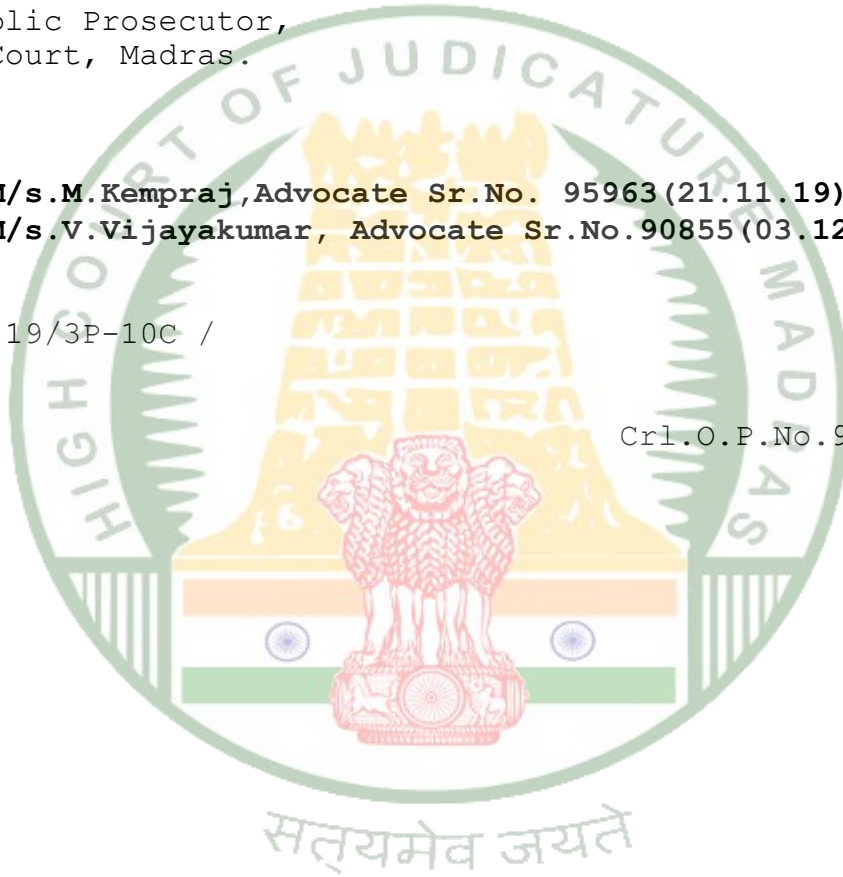
1. The Judicial Magistrate,
Alandur, Kancheepuram.
2. The Inspector of Police,
Central Crime Branch-II,
Chennai,
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.M.Kempuraj, Advocate Sr.No. 95963 (21.11.19)

+5 cc to M/s.V.Vijayakumar, Advocate Sr.No.90855 (03.12.19)

AKM/13.11.19/3P-10C /

Cr1.O.P.No.9740 of 2019



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